

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9930 of 2021

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Suman Prasad Yadav, aged about 49 years, Male, Son of Late Saryug yadav,
Resident of village - Sitakund, P.S. - Mufassil, District- Munger.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, New Secretariat Patna.
2. Principal Secretary, Food and Consumer Protection Department, New Secretariat Patna.
3. The District Magistrate, Munger.
4. The Sub Divisional Officer, Sadar Munger.
5. The District Supply Officer, Munger.
6. Officer - in - Charge, Mufassil Police Station, Munger.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Jyoti Ranjan Jha, Advocate.
For the Respondent/s : Mr. Lalit Kishore, AG

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 03-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

(I) For setting aside the order dated 18.01.2021, contained in Memo No. 87/Aa dated 20.01.2021, issued by Sub Divisional Officer, Munger; whereby and whereunder P.D.S. License of Petitioner bearing No.2400010023 has been cancelled with immediate effect.

(ii) For commanding and directing the respondents, restore the P.D.S. of petitioner by setting aside the impugned order dated 18.01.2021.



(iii) For holding that, impugned letter is not sustainable in the eye of law,

(iv) For holding that, impugned letter has been issued by the Respondents without properly conducting the inquiry and without appreciating the fact that, petitioner is not responsible for creation of any Ration Card in favour of any person.

(v) For any other relief(s) for which the Petitioner is found entitled in the eye of law.

After the matter was heard for some time, learned counsel appearing on behalf of the petitioner, under instructions, states that petitioner may be permitted to prefer an appeal against the impugned order before the Appellate Authority.

Permission granted.

Learned counsel for the respondents states that if such an appeal is preferred within a period of four weeks from today, the issue of limitation, if any, shall neither be raised nor allowed to come in the way of adjudication of the appeal on merits.

Statement accepted and taken on record.

As such, petition stands disposed of in the following mutually agreeable terms:-

(a) Petitioner is permitted to prefer an appeal within a period of four weeks from today;



(b) In the event of appeal being preferred within a period of four weeks from today, the issue of limitation shall not come in the way of adjudication of the appeal on merits;

(c) Opportunity shall be granted to the parties to place on record all essential documents and materials, if so required and desired;

(d) Petitioner through learned counsel undertakes to fully co-operate and not take unnecessary adjournment;

(e) The Appellate Authority shall decide the appeal on merits, in compliance of the principles of natural justice;

(f) The Appellate Authority shall pass a reasoned and speaking order, within a period of eight weeks from the date of filing of the appeal;

(g) Copy of the reasoned and speaking order passed by the Appellate Authority shall be supplied to the parties.

(h) Equally, liberty reserved to the parties to take recourse to such other remedies as are otherwise available in accordance with law;



(i) We are hopeful that as and when petitioner takes recourse to such remedies, as are otherwise available in law, before the appropriate forum, the same shall be dealt with, in accordance with law and with reasonable dispatch;

(j) We have not expressed any opinion on merits and all issues are left open;

The instant petition stands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(Sanjeev Prakash Sharma, J)

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AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

