

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14632 of 2021

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Md. Badrul Hussain, Son of Sehat Ali, resident of Village-Malik Tola,
Surigaon, P.O. and P.S.-Baisi, District-Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Food and Consumer Protection Deptt.
Govt. of Bihar, Patna.
2. The District Magistrate cum Collector, District-Purnia.
3. The District Supply Officer, District-Purnia.
4. The Sub-Divisional Officer, Baisi, District-Purnia.
5. The Anchaladhikari, Anchal-Baisi, District-Purnia.
6. The Block Supply Officer, Baisi, District-Purnia.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nafisuzzoha, Advocate
For the Respondent/s : Mr. Arvind Ujjwal, SC-4

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

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(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/ Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

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Date : 28-01-2022

The petitioner has prayed for the following relief/s :-



- I) For issuance of a writ in the nature of Certiorari, or any other appropriate writ/writs, order/orders or direction for quashing/setting aside the order dated 08.06.2018 passed in Supply Appeal Case No. 249/2016 by respondent no.2, the District Magistrate cum Collector, Purnia, whereby and where under the learned Collector, Purnia pleased to not interfere in the order passed by Sub- Divisional, Baisi by which order the S.D.O. Baisi vide Memo No. 3089 dated 16.07.2016, cancelled the license for running shop under Public Distribution System in short P.D.S license No. 41/07 of the petitioner.
- II) For issuance of a writ of Mandamus or any other appropriate writ/writs, order/orders or direction for commanding and directing the respondent authorities to restore the P.D.S. License vide License No. 41/2007 which has been cancelled by the S.D.O, Baisi without considering the fact and circumstances of the show cause filed by the petitioner.
- III) For issuance of any other appropriate writ, order/orders and direction for which the petitioner shall be found entitled under the facts and circumstance of the case.



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 revision against the impugned order before the Revisional Authority.

Permission granted.

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

Statement accepted and taken on record.

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

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

(b) In the event of revision being preferred within a period of four weeks from today, the issue of limitation shall not come in the way of adjudication of the revision 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 cooperate and not take unnecessary adjournment;

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

(f) The Revisional Authority shall pass a reasoned and speaking order within a period of eight weeks from the date of filing of the revision, copy whereof be supplied to the parties;

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

(h) 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;

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

(j) If necessary, proceedings during the time of



current Pandemic [Covid-19] would be conducted through digital mode;

The instant petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

Ashwini/Sujit

AFR/NAFR	
CAV DATE	
Uploading Date	29.01.2022
Transmission Date	

