

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15357 of 2021

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Yugal Kishore Prasad @ Yugal Prasad, Son of Raghunath Prasad, Resident of Village - Fatehpur, Post Office-Dumari, Block and Police Station-Manjhi, District- Saran at Chapra

... .. Petitioner/s

Versus

1. The State of Bihar, through the Secretary, Food and Civil Supply Department, Government of Bihar, Patna.
2. The Commissioner, Saran at Chapara.
3. The District Magistrate, Saran at Chapra.
4. The District Supply-Cum-Marketing Officer, District - Saran.
5. The Sub Divisional Officer - Chapra Sadar, District - Saran.
6. The Circle Officer Under Block - Manjhi, District- Saran.
7. The Marketing Officer Under Block - Manjhi, District- Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shambhu Prasad Yadav, Advocate
For the Respondent/s : Mr.S. Raza Ahmad, AAG-5

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
and
HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

3 22-04-2022 The matter has been taken up for online hearing through video conference because of COVID-19 pandemic restrictions.

The petitioner's licence to run a PDS shop was cancelled by the licensing authority on 24.09.2011. Against the said order, the petitioner had preferred appeal before the District Magistrate, Saran, which came to be dismissed by an order dated 19.11.2018. The aforesaid two orders are under challenge in the present writ application.

On perusal of the order dated 19.11.2018 passed by the appellate authority, it appears that the petitioner was not



present when the appeal was heard before the appellate authority. The appellate authority has noted in his impugned order dated 19.11.2018 that the petitioner had continuously absented himself. In such view of the matter, the appellate authority, considering the facts of the case and the petitioner's absence, refused to interfere with the order of the licensing authority cancelling the petitioner's licence. Nearly three years thereafter, the petitioner has preferred present writ application registered on 26.08.2021, assailing the orders passed by the licensing authority and the appellate authority.

From the chain of events, as noted above, it is evident that the petitioner was never diligent in pursuing his matter either before the appellate authority or in approaching this Court within a reasonable time after passing of the order of the appellate authority.

On the ground of delay and laches, we do not feel inclined to entertain this writ application, which is dismissed accordingly.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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