

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15835 of 2021

Pratima Devi, Wife of Late Sujeet Chaudhary, Resident of Village Bagaha,
Panchayat-Gopalkera, P.S. Mohapur, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Govt. of Bihar, Patna.
2. The District Magistrate-Cum-Collector, Gaya.
3. The Sub Divisional Officer, Sherghati, District Gaya.
4. The Block Supply Officer, Mohanpur, District-Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Md. Javed Jafar Khan, Advocate
For the Respondent/s	:	Mr.S. Raza Ahmad (AAG5)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 20-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“1. That the present writ petition is being filed challenging the order dated 21.04.2018 (Annexure-3) passed in License Cancellation Case No. 4/2018 by the Sub-Divisional Officer-cum-Licensing Authority, Sherghati (Gaya), whereby and whereunder the P.D.S. license of the shop of the petitioner has been cancelled and also for setting aside the order dated 24.10.2019 (Annexure 5) passed in Supply Appeal no. 12/19 by the District

Magistrate, Gaya, whereby and whereunder the aforesaid order dated 21.04.2018 has been upheld and the appeal of the petitioner has been rejected on the ground of limitation and further direct the respondent authorities to restore the P.D.S. License of the petitioner bearing License No. 19/2016/03/2014.”

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 a revision against the impugned order before the Revisional Authority.

Permission granted.

Learned counsel for the respondents states that if such a revision 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 revision 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 a 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) Liberty reserved to the petitioner to challenge the order, before the appropriate forum, if required and desired.

The instant petition stands disposed of in the aforesaid

terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	