

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2260 of 2021

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Mannu Devi Wife of Ramsagar Singh, resident of Village and P.O. - Barahiya,
P.S. - Barahaiya, District - Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Food and Supply Department, Government of Bihar, Patna.
3. The District Magistrate, Lakhisarai.
4. The Sub Divisional Officer, Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Raja Ram Mishra
For the Respondent/s : Mr.Lalit Kishore (AG)

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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)

2 17-01-2022 The matter has been taken up for online hearing through video conference because of COVID-19 pandemic restrictions.

This writ application has been filed in 2021 challenging an order dated 27.12.2016, passed by the Collector, Lakhisarai in Misc. (Supply) Appeal No. 08/2013-14, whereby the petitioner's appeal against the order of the Licensing Authority-cum-Sub-Divisioal Officer, Lakhisarai dated 06.08.2013 has been affirmed. By the said order dated



06.08.2013, the Licensing Authority has cancelled the petitioner's licence to run a fair price shop.

In response to a query made by this Court relating to delay on the part of the petitioner in approaching this Court, learned counsel for the petitioner has drawn our attention to the averments made in paragraph-12 of the writ application.

Following is the statement made in paragraph-12 of the writ application :-

“12. That it is further submitted and stated that the order dated 27.12.2016 was not communicated to the petitioner by the office and also not communicated by the counsel of the petitioner for three years and the petitioner was believing that the appeal is pending. In September, 2019, the petitioner enquired about the appeal physically in the office of the appellate authority and found that the appeal has been disposed of on 27.12.2016. Then the petitioner obtained the certified copy of the order sheet and all documents annexed with the Appeal on 20.09.2019. Thereafter the petitioner who is ladies sought legal opinion and filing this writ application to the ends of justice.”

The above is the only plea taken on behalf of the petitioner to justify delay in approaching this Court more than



four years after passing of the appellate order, which is impugned in this application.

The said explanation does not convince this Court. In any view of the matter, it is the petitioner's own case that she enquired about status of the appeal and she learnt about its dismissal in September, 2019. She filed this writ application in 2021.

In our opinion, this writ application deserves to be dismissed on the ground of unexplained delay and laches, which is accordingly dismissed.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

Rajesh/-

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