

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17060 of 2021

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Ashok Paswan, Son of Dayanand Paswan, Resident of Village-Ajhokopa, P.S. Rupauli, District Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Civil Supply, Bihar, Patna.
2. The District Magistrate, Purnia.
3. The Sub-Divisional Officer, Dhamdaha, District-Purnia.
4. The Block Supply Officer, Rupauli, District-Purnia.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Advocate
For the Respondent/s : Mr.Lalit Kishore (AG)

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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 : 21-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“ 1. That the present writ application is being filed on behalf of the petitioner for quashing the order dated 4.4.2016 vide Memo NO. 53 passed by the learned S.D.O. Dhamdaha, District Purnia whereby and whereunder the PDS license bearing no. 33/2007 of the petitioner has been cancelled as well as for quashing the order dated 19.1.2021 passed by the learned District Magistrate, Purnia is Supply Appeal Case No. 301/2016.”

The impugned order dated 19.01.2021 passed by

the learned District Magistrate, Purnia in supply Appeal Case No.301 / 2016 has been dismissed for default on account of non-appearance of the counsel for the petitioner on several previous dates when the case was called out.

It is submitted on behalf of petitioner that non-appearance was not deliberate but for the reasons, as explained, and submits that there shall be no any further default and the appellate authority may be directed to decide the appeal on merit.

In said view of the matter, the order dated 19.01.2021 passed by the District Magistrate, Purnia in supply Appeal Case No.301 / 2016 is set aside and case is remanded to the appellate court of learned District Magistrate, Purnia to decide the appeal of petitioner on merit with following terms:

(a) The petitioner shall make himself available before the District Magistrate, Purnia on 15.02.2022;

(b) Petitioner shall fully cooperate and not take any unnecessary adjournment;

(c) The officer shall pass an order assigning reasons within a period of 30 days thereafter;

(d) While considering such request, principles of natural justice shall be followed and due opportunity of hearing

afforded to the parties.

(e) Liberty reserved to the petitioner to challenge the order, should the need so arise subsequently.

The petition is disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	