

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18259 of 2021

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Lakshmi Sahu, male, aged about 66 years, son of Kailu Sahu @ Kailu Sada
resident of Village and P.O.- Pali, Police Station- Ghanshyampur and District-
Darbhanga.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and
Civil Supply, Government of Bihar, Patna.
2. The District Magistrate, Darbhanga.
3. The District Supply Officer, Darbhanga.
4. The Licensing Officer-cum- Sub Divisional Officer, Biraul, Darbhanga.
5. The Block Development Officer, Ghanshyampur Block, Darbhanga.
6. The Block Supply Officer, Ghanshyampur Block, Darbhanga.

... .. Respondents

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Appearance :

For the Petitioners : Mr. Nilendu Kumar Choudhary, Adv.
For the Respondents : 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)**

2 29-04-2022 This matter has been taken up for hearing online because
of *COVID-19* pandemic restrictions.

2. The petitioner's license to run a Fair Price Shop was
cancelled by an order dated 30-05-2020 passed by the Licensing
Authority in exercise of his power under the provisions of Bihar



Targeted Public Distribution System (Control) Order, 2016 (for short 'the Control Order, 2016'). The petitioner, thereafter, preferred an appeal before the Collector-cum-District Magistrate, Darbhanga, the Appellate Authority giving rise to Appeal No. 82 of 2020. It appears that since his appeal was not being disposed of, he approached this Court by filing the present writ application. During the pendency of this application, when the petitioner's appeal was taken up before the Appellate Authority apparently on account of the pendency of the writ application, the petitioner was advised to withdraw the appeal. Accordingly, the petitioner's appeal came to be disposed of by an order dated 07-01-2022 by the Appellate Authority (Annexure-7 to the supplementary affidavit) because of pendency of the present writ application.

3. In the peculiar facts and circumstances of the case and in the interest of justice, we deem it proper to set aside the order of the Appellate Authority dated 07-01-2022 passed in Appeal No. 82 of 2020. Consequent upon setting aside of the order dated 07-01-2022, the said appeal No. 82 of 2020 would stand restored to its original file, before the Collector-cum- District Magistrate, Darbhanga.

4. The Appellate Authority is directed to dispose of the



appeal within two months from the date of receipt/production of
a copy of this order.

5. This application is disposed of with aforesaid direction
and observation.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

shyambihari/-

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