

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18295 of 2021

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Krishna Nand Thakur, male, aged about 28 years, Son of Sri Kamlesh Thakur
Resident of Village - Bath, P.O. - Adharpur, 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, Goura Bauram, Darbhanga.
6. The Block Supply Officer, Goura Bauram Block, Darbhanga.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Nilendu Kumar Choudhary, Adv.
For the Respondents : Mr. Arvind Ujjwal SC-4

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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 11-02-2021 passed by the Licensing Authority in exercise of his power under the provision 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. 47 of 2021. It appears that since his appeal was not being disposed, 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 because 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 21-01-2022 by the Appellate Authority (Annexure-9 to the supplementary affidavit) on account 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 21-01-2022 passed in Appeal No. 47 of 2021 as consequence of setting aside the order dated 21-01-2022, the said appeal No. 47 of 2021 would stand restored to its original file.

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.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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