

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19050 of 2021

=====

Mina Devi Wife of Ramnaresh Sah, Resident of Amrakh, Block-Kudhani,
Police Station-Kudhani, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Old Secretariat, Government of Bihar, Patna.
2. The Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
3. The District Magistrate, Muzaffarpur.
4. The Sub-Divisional Magistrate (West), Muzaffarpur.
5. The District Supply Officer, Muzaffarpur.
6. The Block Supply Officer, Kudhani, Muzaffarpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjeet Kumar, Adv
For the Respondent/s : Mr.Arvind Ujjwal (SC4)

=====

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice /Hon'ble Judges through Video Conferencing from their residential offices/residences. Also, the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences /offices.)

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

Date : 31-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“1. That the present writ application is being filed by the sole petitioner for quashing of the order contained in memo no. 260 dated 22.02.2021, passed by the learned Sub Divisional Magistrate (West), Muzaffarpur, whereby and where under the license of the petitioner bearing License No. 23150198/20 granted to run a Public Distribution Shop situated at Panchayat Amrakh, Block -Kudhani, District- Muzaffarpur, has been cancelled without considering the show cause reply submitted by the petitioner.

The show-cause, notice dated 22.01.2021 was received

by the petitioner on 05.02.2021 and the petitioner submitted the show cause reply on 08.02.2021. The petitioner has been granted 3 days to submit her reply, which is insufficient as held by this Hon'ble Court. Apart from this the petitioner has never been supplied the enquiry report on the basis of which the impugned order has been passed.

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 an appeal against the impugned order before the Appellate Authority.

Permission granted.

Learned counsel for the respondents states that if such an appeal 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 appeal 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 an appeal within a period of four weeks from today;

(b) In the event of appeal being preferred within a period of four weeks from today, the issue of limitation shall

not come in the way of adjudication of the appeal 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 Appellate Authority shall decide the appeal on merits, in compliance of the principles of natural justice;

(f) The Appellate Authority shall pass a reasoned and speaking order, within a period of eight weeks from the date of filing of the appeal;

(g) Copy of the reasoned and speaking order passed by the Appellate Authority shall be supplied to the parties;

(h) Equally, liberty reserved to the parties to take recourse to such other remedies as are otherwise available in accordance with law;

(i) 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;

(j) We have not expressed any opinion on merits and all issues are left open;

(k) 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)

ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA