

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19747 of 2021

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Sarita Devi W/o Santosh Kumar R/o Mohalla Gantipokhar, Mirzagalib
College, P.S. Civil Line, District- Gaya. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Food and Civil Supply Govt. of Bihar, Patna.
2. The District Collector Cum District Magistrate, Gaya.
3. The Sub Divisional Officer, Sadar, Gaya.
4. The Prakhand Supply Officer, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Virendra Prasad, Advocate
For the Respondent/s : Mr. Arvind Ujjwal (Sc4)

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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 : 01-02-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

1. That this application is being filed for issuance of writ in the nature of certiorari for quashing the order contained in memo no. 920 dated 19.09.2021 passed by the respondent No.3, the licence of the public distribution shop illegally cancelled without applying the mind, without providing any opportunity, without supply the enquiry report and without proper enquiry was made.

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)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.02.2022
Transmission Date	NA