

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19698 of 2021

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Ganesh Prasad Gupta Son of Late Sri Satyanaryan Gupta, Resident of Village
- Sahar, P.S. - Sahar, District - Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Addl. Chief Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate, Bhojpur.
3. The District Supply Officer, Bhojpur.
4. The Sub-Divisional Officer, Ara.
5. The Block Supply Officer, Sahar, Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Suraj Narain Yadav, Advocate
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

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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:-

(A) A writ in the nature of Certiorari or any
other appropriate writ/s, order/s,
direction/s:

i. For quashing the order dated
26.08.2021, passed by the Sub-

Divisional Officer, Ara, (Respondent No. 4), whereby and where under the Sub-Divisional Officer, Ara, cancelled the PDS license being License No. 02/2018 of the Petitioner finding it to be not in consonance with the provision contained in Section-28 of the Bihar Targeted Public Distribution System (Control) Order-2016.

(B) A writ in the nature of mandamus or any other appropriate writ/s, order/s direction/s, commanding the Respondent authorities for the following:

- i. To stay the operation of order dated 26.08.2021 passed by the Sub-Divisional Officer, Ara, (Respondent No. 4).
- ii. To restore the PDS license of the Petitioner and allow him to run his PDS shop.

{C) To any other relief/s to which the petitioner is found entitled to.

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