

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19836 of 2021

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Dasrath Ram @ Dasrath Paswan Son of Sri Baliram Ram, Resident of Village - Ramdathi (Khutha), P.O. - Parasunda, P.S. - Shahpur, District - Bhojpur at Arrah (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Food and Civil Supply Government of Bihar, New Secretariat, Patna.
2. The Divisional Commissioner, Patna.
3. The District Magistrate, Bhojpur, Ara.
4. The Sub Divisional Officer, Jagdishpur, District - Bhojpur.
5. The District Supply Officer, Bhojpur.
6. The Block Supply Officer, Bihiyan, District - Bhojpur, Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manini Jaiswal, Advocate
For the Respondent/s : Mr.S. Raza Ahmad (AAG-5)

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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 : 03-02-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“i. For quashing the order dated 19.02.2021 passed in Revision 184-2018 passed by the Court of the Respondent Divisional Commissioner, Patna wherein the Respondent Divisional Commissioner has rejected the appeal filed by the petitioner.

ii. For quashing the order contained in memo no. 238/G dated 25.03.2007 issued under the signature of Respondent Sub Divisional Officer

Jagdishpur whereby and whereunder the license no. 53 of 2007 of the petitioner has been cancelled.

iii. For quashing and the order dated 06.12.2013 passed by the respondent District Magistrate whereby and whereunder the appeal has been dismissed contrary to the records of the case.

iv. For direction upon the respondent authorities to restore the license of the petitioner forthwith.

v. For any other order or orders that your Lordship may deem fit and proper in the given circumstances.”

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 a revision against the impugned order before the Revisional Authority.

Permission granted.

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

(b) In the event of revision being preferred within a period of four weeks from today, the issue of limitation shall not

come in the way of adjudication of the revision 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 Revisional Authority shall decide the revision on merits, in compliance of the principles of natural justice;

(f) The Revisional Authority shall pass a reasoned and speaking order, within a period of eight weeks from the date of filing of the revision, copy whereof be supplied to the parties;

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

(h) 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;

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

(j) Liberty reserved to the petitioner to challenge the order, before the appropriate forum, if required and desired.

The instant petition sands disposed of in the aforesaid terms.

Interlocutory Application(s), if any, stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	