

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19910 of 2021

=====

Subhit Yadav @ Subhit Prasad Yadav, Son of Ambika Prasad Yadav, Resident
of Village - Milkichawk, Jankinagar, P.S.- Bariyarpur, District - Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Food and Consumer
Protection Department, Government of Bihar, Patna.
2. The Sub-Divisional Officer, Sadar, Munger.
3. The Block Supply Officer, Sadar, Munger.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Vijay Anand, Advocate
For the Respondent/s	:	Mr.Arvind Ujjwal (SC-4)

=====

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 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.)

Date : 03-02-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“1. That the present writ application is being filed in the nature of certiorari for setting aside the order dated 21.9.2021 passed by S.D.O. Sadar Munger contained in Memo No. 858 whereby and whereunder the License granted to the petitioner for carried out a business of a Public Distribution Shop within the Janki Nagar Sadar, Munger was cancelled basically on the opinion of Block Supply Officer with a one line observation the show cause is not acceptable.”

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)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	