

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19912 of 2021

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Sharwan Choudhary, S/o Mishri Choudhary, Resident of Village - Amawan,
Panchayat - Amawan, Block - Asthawan, P.S. - Bind, District - Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Collector, Nalanda at Biharsharif.
3. The Sub Divisional Officer, Biharsharif.
4. The District Supply Officer, Biharsharif.
5. The Block Supply Officer, Islampur, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (SC-4)

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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 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 on behalf of the sole petitioner above named for setting aside the order contained in memo no. 704/Aa dated 14.09.2019 by which the PDS license of the petitioner being license no. 57/2016 has been cancelled and further for quashing the order dated 04.02.2021 passed in Supply Case No. 14/2019 by the learned Collector-cum-District Magistrate, Nalanda at Bihar Sharif by which he was pleased to dismiss the statutory appeal and affirmed the order dated 14.09.2019 passed by the licensing authority and further be pleased to restore the PDS license of the petitioner and also restore the supply of the petitioner.

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 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	