

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.20409 of 2021**

=====

Kaushal Kishore Mishra, Son of Late Ram Sahaya Mishra, Resident of Village - Ginja, Mishra Tola, P.O. - Jaintpur, P.S. - Saraiya, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Supplies, Government of Bihar, Patna.
2. The Principle Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
3. The District Magistrate, Muzaffarpur.
4. The Deputy Supply Officer, Muzaffarpur.
5. The Sub-Divisional Officer, Muzaffarpur.
6. The Block Supply Officer, Saraiya, Muzaffarpur.

... .. Respondent/s

=====

**Appearance :**

For the Petitioner/s : Ms. Shilpi Keshri, Advocate  
For the Respondent/s : Mr. S. Raza Ahmad (Aag5)

=====

**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 : 08-02-2022**

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

- (i) For quashing the order issued vide Memo No.139 dated 28.01.2017 by Sub-Divisional Officer, West Muzaffarpur, District- Muzaffarpur, wherein he has cancelled the PDS license of the petitioner and also stopped the monthly allotment without appreciating the entire facts and circumstance in its entirety.
- (ii) For also quashing the order issued vide order

dated 12.01.2021 passed in Appeal Case No.09/2017-18 by the Collector-cum- District Magistrate, Muzaffarpur wherein the order has been made in support of the cancellation of the License of the petitioner for his PDS shop.  
(iii) For any other order/orders and relief/reliefs for which the petitioner may be entitled in the eyes of law.”

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)**

Sanjay/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 09.02.2022 |
| Transmission Date | NA         |