

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21046 of 2021

Kamlesh Kumar Singh S/o Late Avinash Kumar Singh R/o- Dekpura, P.S.-
Rahui, Dist.- Nalanda, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Food and Civil Supply Department,
Government of Bihar, Patna.
2. The District Magistrate, Nalanda.
3. The Sub-Divisional Officer cum Licensing Authority, Biharsharif, Nalanda.
4. The Block Supply Officer Rahui, Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Vishal Vikram Rana, Advocate
For the Respondent/s : Mr. S. Raza Ahmad, AAG-5

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

(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 : 14-02-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s):-

- (i) To quash the Order dated 07/04/2020 passed by the Sub
Divisional Magistrate, Biharsharif, Nalanda whereby and
whereunder the license of the PDS shop of the petitioner



bearing License No.64/2016 has been cancelled with immediate effect.

- (ii) To quash appellate Order Dated 17.07.2021 passed in EC appeal no.02/2020 by Ltd. Collector Nalanda.
- (iii) To direct the respondent authority to re-instate the PDS licence of the petitioner.

And, for any other relief, which may deem fit and proper in the facts and circumstances of the case.

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)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	17.02.2022
Transmission Date	

