

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21110 of 2021

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Vindeshwar Yadav Son of Jivachh Yadav Resident of Village-Pipra Tol,
Block-Jaynagar, P.S.-Jaynagar, P.S.-jaynagar, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Food and Consumer Protection,
Government of Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Sub Divisional Officer Jaynagar, Madhubani.
4. The Block Supply Officer, Jaynagar, District-Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate
Mr. Vishwaroop Jha, 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 THE CHIEF JUSTICE)

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(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.)

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Date : 14-02-2022

Heard learned counsel for the parties.

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



I) For quashing the order dated 08/12/2020 communicated vide Memo no. 280 passed by Sub divisional officer, Jaynagar as contained in annexure 6 by which P.D.S Licence no. 45/2016 of the petitioner has been cancelled on the ground of institution of F.I.R i. e Jaynagar P.S Case no. 256 / 2020 under section 7 of the Essential commodities act on 22.07.2020 in view of clause 28 of Bihar targeted public distribution control order 2016(hereinafter referred to as the control order 2016) .

II) For a direction to the Respondents to restore the P.D.S Licence No. 45 / 2016 and continue with the supply of food grains and other items covered with the Licence so that petitioner can continue to his P.D.S shop for his livelihood .

III) For any other relief /reliefs to which the petitioner may be found entitled to 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 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)

Amrendra/PKP

AFR/NAFR	
CAV DATE	
Uploading Date	17.02.2022
Transmission Date	

