

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.5402 of 2019
Arising out of
Civil Writ Jurisdiction Case No.7361 of 2019

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Sudhir Kumar, aged about 34 years, male, son of Hira Sah, R/o Village -
Bhairipur, P.S. Kumarkhand, District-Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Food and Civil Supply
Department, Govt. of Bihar, Patna.
2. Collector cum District Magistrate, Madhepura.
3. Sub Divisional Magistrate, Madhepura.
4. Block Supply Officer, Kumarkhand, District- Madhepura.
5. Superintendent of Police, Madhepura.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Satyaveer, Advocate
For the State : Mr. Alok Ranjan, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 23-11-2022

Heard Mr. Satyaveer, learned counsel appearing on
behalf of Mr. Dinesh Prasad Verma, learned counsel for the
petitioner and Mr. Alok Ranjan, learned AC to AAG 5 for the
State.

2. The present application has been filed seeking recall
of the order dated 30.05.2019 passed in CWJC No. 7361 of 2019
by which the writ petition was dismissed due to non-appearance.

3. The only reason given in the petition is that on the
said day, learned counsel for the petitioner had gone to hospital for
treatment and, thus, could not come to the Court. However, there is
absolutely no explanation as to why after almost seven months, the
present application has been filed when it is not the case of the



petitioner that listing of the case and its dismissal on 30.05.2019 was not known to him. Further, from perusal of the record it appears that the writ petition itself was filed for quashing order passed for confiscation against the petitioner with regard to 1250 Kgs. of different food grains on 26.02.2018.

4. Learned counsel for the State submits that the order against which the petitioner had filed the writ petition is an appealable order under Section 6-C of The Essential Commodities Act, 1955 before the District Judge, which remedy he has not availed.

5. Having regard to the fact that the petitioner being a PDS dealer having indulged in such activity, the Court is not inclined to recall the order by which the writ petition was dismissed.

6. Accordingly, the present application also stands dismissed.

(Ahsanuddin Amanullah, J)

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