

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6449 of 2018

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Madhusudan Prasad @ Madhusudan Prasad Sao S/o Sri Hari Sao, aged about 59 years, Resident of Village- Amthua, Block- Kako, P.S.- Kako, District- Jehanabad.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Food and Civil Supply, Govt. of Bihar, Patna.
2. The District Magistrate, Jehanabad.
3. The Assistant District Supply Officer, Jehanabad.
4. The Sub-Divisional Officer-cum-Licensing Authority, Jehanabad.
5. The Block Supply Officer, Makhdumpur, Jehanabad.
6. The Block Supply Officer, Ratni Faridpur, District- Jehanabad.
7. The Block Supply Officer, Kako, District- Jehanabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Guriya Nisha, Adv.

For the Respondent/s : Mr. Arvind Ujjwal, SC-4.

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

3 01-09-2023 Heard the learned counsels for the parties.

2. The present writ petition has been filed for the following reliefs:-

“(i) *That by way of this writ application petitioner seeks indulgence of this Hon’ble Court for issuance of appropriate writ/order/direction in the nature of certiorari, commanding the respondents to quash the order dated 29.01.2018 passed by the Court of Commissioner, Magadh Division, Gaya whereby learned Commissioner does not consider the Hon’ble Court Order.*

(ii) *Further for direction to the respondents to quash the order*



dated 25.08.2014 passed in Supply Appeal Case No. 23/D.M./2014 by the learned District Magistrate, Jehanabad whereby an whereunder he has been pleased to confirm the cancellation order dated 23.05.2014 passed by SDO, Jehanabad.”

3. Learned counsel appearing on behalf of the petitioner has stated that on an earlier occasion as against the order of the Appellate Authority dated 25.08.2014, the petitioner has already approached this Hon'ble Court. This Court vide judgement dated 07.11.2017 in CWJC No. 2721 of 2015 has directed the petitioner to file a revision against the order of the Appellate Authority and it was specifically ordered that the Revisional Authority shall take into consideration the pendency of the proceedings before the Hon'ble High Court for condoning the delay in preferring the Revision.

4. Learned counsel has stated that after the revision was filed by the petitioner as per the direction of this Hon'ble Court, the Revisional Authority passed the impugned order without going into the merits of the case or advertng to the order of the Hon'ble High Court directing the authority to consider the application of the petitioner for condonation of the delay due to the pendency of the writ petition before the Hon'ble High Court. That the Revisional Authority has



dismissed the Revision by passing a cryptic order contrary to the order of this Court dated 07.11.2017 in CWJC No. 2721 of 2015.

5. Learned counsel appearing on behalf of the respondents has fairly stated that the judgement of this Hon'ble Court is very clear to the effect that the Revisional Authority should take into consideration the pendency of the CWJC pending before this Hon'ble High Court and should have condoned the delay in filing the Revision.

6. Having regard to the above made submission, the impugned order dated 29.01.2018 is set aside and the matter is remanded back to the Revisional Authority for passing orders afresh in the main revision. The authority is directed to condone the delay in filing the revision and number the Revision.

7. It is made clear that the authority shall pass the orders on merits in the main Revision duly taking into consideration the grounds of revision raised by the petitioner. The petitioner shall be given an opportunity of hearing before passing any orders. The entire exercise shall be completed within a period of eight weeks from the date of the receipt of the copy of this order.

8. With the above observations, the present writ



petitioner stands disposed off.

(A. Abhishek Reddy , J)

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