

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.873 of 2019

In

Civil Writ Jurisdiction Case No.3506 of 2019

Ashok Yadav Son of Vidya Sagar Yadav Resident of Village- Bariyahi, Police Station- Barauni, District- Begusarai.

... .. Appellant/s

Versus

1. The State of Bihar through the Collector-cum- District Magistrate, Begusarai.
2. The Collector-cum- District Magistrate, Begusarai.
3. The Sub Divisional Officer, Begusarai.
4. The District Supply Officer, Begusarai.
5. The Block Development Officer, Barauni, District- Begusarai.
6. The Block Supply Officer, Barauni, District- Begusarai.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Umesh Kumar, Advocate
For the Respondent/s : Mr. S. Raza Ahmad (AAG 5)
Mr. Alok Ranjan, AC to AAG 5

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 10-08-2023

1. The appeal has been filed against the order of the learned Single Judge rejecting the prayer for interference to the cancellation of PDS license on the ground of delay in approaching this Court and also for not availing the alternate remedies appropriately.

2. Learned counsel for the appellant submits that the crime which was registered against him ended in an acquittal in 2017. It is prayed that the cancellation may be set aside on the ground of acquittal in the criminal case.



3. It is trite that the proceedings for cancellation and the criminal case registered are two independent proceedings and one does not regulate the other. In criminal cases often the acquittal is based on technical reasons and also on the ground of the allegations having not been proved beyond all reasonable doubt whereas in the proceeding with respect to cancellation of PDS licence, what reigns is the preponderance of probabilities.

4. We see that that the order itself was passed on 10.09.2004 and an appeal filed got dismissed on 22.08.2009. The appeal was also dismissed for non prosecution. The writ application has been filed in the year 2019. Even if we reckon the acquittal of the year 2017, the writ petition even then is delayed.

5. We find no reason to entertain the appeal and the same stands dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Spd/-Shiv

AFR/NAFR	
CAV DATE	N/A
Uploading Date	17.08.2023.
Transmission Date	N/A

