

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3629 of 2024

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Ram Surat Ram Son of Rajan Ram, Resident of village- Jalalpur, P.S.-
Basantpur, District - Siwan.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
2. The District Magistrate-cum-Collector, District- Siwan.
3. The Sub-Divisional Officer Maharajganj, District - Siwan.
4. The Circle Officer- cum-Block Supply Officer, Basantpur, District - Siwan.
5. The Supply Inspector Basantpur, Siwan.
6. Yogendra Manjhi, S/o Late Bhagrashan Manjhi, R/o Village - Jalalpur, P.S. Basantpur, District- Siwan.
7. Hari Kishore Prasad, S/o Late Sakaldeo Rai, R/o Village- Jalalpur, P.S. Basantpur, District - Siwan.
8. Rajdeo Manjhi, Son of Late Phulaina Manjhi, Resident of village - Jalalpur, P.S. Basantpur, District - Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amit Shankar, Adv.
For the Respondent/s	:	Mr. Government Advocate (10)
For the State	:	Mr. Manoj Kumar Yadav, AC to GP10

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

3 30-08-2024 Heard the learned counsel for the parties.

2. This writ petition has been filed for the following
relief(s):-

“I. For issuance of an appropriate writ/ writs in the nature of mandamus for-set-a-side of the order dated 18.5.99 passed by the Sub Divisional Officer, Maharajganj and order dated 6.11.2001 Case No. 236/2001 passed by the District Magistrate, District Siwan by which the licence for Fair Price Shop of the petitioner



has been cancelled without any show cause notice.

II. For Commanding the respondents to immediately hold the enquiry as to why the petitioner fair price shop licence is being cancelled.

III. For commanding the respondent no.-3 to immediately start the allotment of the petitioner which is hold up since October, 1998.

IV. For issuance of any other writ/writs, order/orders, direction/ directions as this Hon'ble Court may deem fit and proper as the fact and circumstances of this case.”

3. Learned counsel for the petitioner has stated that the petitioner has been granted the P.D.S. license and thereafter without issuing any show cause notice, the Sub Divisional Officer has passed the order of cancellation on 18.05.1999. That the petitioner has preferred an appeal before the District Magistrate vide case No. 236 of 2001, however, the District Magistrate without advertng to the facts of the case has dismissed the appeal and confirming the order of the Sub Divisional officer vide order dated 06.11.2001.

4. Learned counsel for the petitioner has stated that the non-issuance of any show cause notice to the petitioner and passing the impugned order of cancellation is contrary to the



principles of natural justice and equity. Learned counsel has stated that the petitioner was suffering from mental disorder and under the treatment from the year 2001 till March 2023 and therefore, the delay in approaching this Hon'ble Court. Learned counsel has relied on the judgment of this Hon'ble Court passed in C.W.J.C. 4066 of 1997 dated 12.11.1997 in support of his case.

5. Learned counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the present writ petition. Learned counsel has stated that the writ petition is liable to be dismissed on the sole ground of laches and delay. Learned counsel has stated that the petitioner having slept over the matter for a period of more than 20 years, cannot now be allowed to approach this Hon'ble Court under Article 226 of the Constitution of India.

6. As seen from the record, admittedly, in the present case the petitioner has approached this Court after passing of the order by the appellate authority way back in the year 2001. The only reason given by the petitioner for the delay in approaching this Court is that the petitioner was suffering from the mental disorder and Hyper Acidity and in support of his case he has annexed the certificate issued by one Dr. S.K. Pandey



(Annexure-7 series).

7. A perusal of the documents reveal that the doctor who has issued is not a regular doctor but only an homeopathic doctor running a homeopathy hospital, except the prescriptions and the certificate issued by the said doctor no other medical evidence has been filed by the petitioner to substantiate his claim that he was suffering from mental disorder and Hyper Acidity. Even otherwise the delay of more than 23 years cannot be condoned by any stretch of imagination without this being any reasonable cause. Further, it is to be noted that the petitioner has a statutory remedy of filing a Revision against the orders passed by the appellate authority under ***Rule 32(vi) of Bihar Targeted Public Distribution System (Control) Order, 2016***, however, the petitioner has by passed the said remedy and approached this Court directly and on this ground also the C.W.J.C. is liable to be dismissed. Therefore, the writ petition is liable to be dismissed on the sole ground of delay and latches and the same is accordingly dismissed.

(A. Abhishek Reddy , J)

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