

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5537 of 2024

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Manan Singh S/o Late Bhikham Singh, R/o Village-Thakur Dayal Singh Ke Dera, P.S.-Krishnabraham, District-Buxar.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Food and Civil Supply Department of Government of Bihar, Patna.
2. The District Magistrate, Buxar, Distt-Buxar.
3. The District Supply Officer, Buxar, District-Buxar.
4. The Sub Divisional Officer, Dumraon, District-Buxar.
5. The Block Supply Officer, Dumaraon, District-Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner	:	Mr. Rajiv Ranjan Kumar Pandey, ADv.
For the Respondent	:	Mr.Standing Counsel 09
For the State	:	Mr. Ashutosh Kumar Upadhyaya, AC to SC-9

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

3 23-08-2024 Heard the learned counsel for the parties.

2. This writ petition has been filed for the following

relief(s):-

“That this writ application is being filed for issuance of a writ in the nature of “Certiorari” quashing the order dated 12.05.2023 passed by the District Magistrate, Buxar is Appeal Case No. 53/2023 whereby and where under he has pleaded to not admit the appeal on the ground of limitation and did not considered the merit of the case.”

3. Learned counsel for the petitioner has stated that as against the order of cancellation, the petitioner has preferred an



appeal before the Respondent No. 2. However, authority has rejected the appeal filed by the petitioner on the ground that the same is barred by limitation. Learned counsel has stated that the petitioner has filed an application seeking condonation of the delay in preferring the appeal but the authority has not considered the same and by a single sentence the appeal has been dismissed.

4. Learned counsel for the petitioner has, therefore, prayed this Hon'ble Court to set aside the impugned order and remand the matter back to the authority concerned and direct the authority to pass necessary orders on the application made by the petitioner seeking condonation of the delay in filing the appeal.

5. Learned counsel appearing on behalf of the respondents has fairly considered that the authority has passed the order in the main appeal and not passed any orders in the I.A. filed by the petitioner.

6. Having regard to the above made submissions, the impugned order is set aside and the matter remanded back to the Respondent No. 2 for considering the appeal and the I.A. filed along with the same on merits and pass a reasoned order.

7. It is needless to mention that before passing any



order, the petitioner shall be given an opportunity of hearing.
The entire exercise shall be completed within a period of eight weeks from the date of receipt of the copy of this order. Any order passed shall be communicated to the parties.

8. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

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