

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.786 of 2024

=====

Lakhendra Kumar @ Lakhindra Kumar Son of Bechu Ram Resident of
Village-Kalyanpur Harauna, P.O. Morsandi, P.S. Motipur, District-
Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Food and Civil Supply Department,
Bihar, Patna.
2. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
3. The Collector. District Magistrate, Muzaffarpur.
4. The Sub Divisional Officer, West Muzaffarpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Dilip Kumar, Adv.
For the Respondent/s : Mr. Government Pleader (11)

=====

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

9 11-11-2024 Against the order of Cancellation of P.D.S. License

dated 06.05.2010, the petitioner has filed an appeal before the District Magistrate in the year 2017-18. However, when the appeal was called on 02.07.2019, the petitioner was absent and the appeal was dismissed for default. Thereafter, the petitioner has filed a restoration petition on 16.06.2022 seeking restoration of the appeal which was dismissed for default. The learned District Magistrate vide order dated 13.12.2022 has rejected the application made by the petitioner seeking restoration of the



appeal and directed the petitioner to challenge the order on merits. The petitioner has, thereafter, filed the revision before the Divisional Commissioner challenging the order dated 13.12.2022, however, the learned Divisional Commissioner has rejected the revision stating that the petitioner has failed to explain the delay. Thereafter, the petitioner has filed the present writ petition challenging the orders of the Divisional Commissioner and orders of the appellate authority. Though the matter has been undergoing several adjournments, the petitioner has sought to file the application made by him seeking restoration of the appeal nor has explained the delay in approaching the District Magistrate once the appeal was dismissed on 02.07.2019, there is a delay of approximately three years in filing the restoration petition after the appeal has being dismissed but the petitioner has not filed any explanation for the delay. Unless and until the petitioner explains the delay in a proper manner, no relief can be granted.

2. Having regard to the above, this Court does not find any merit in the present writ petition which warrants any interference by this Court in the orders of the Divisional Commissioner and the appellate authority in dismissing the application made by the petitioner for restoration of the appeal.



3. The present writ petition is dismissed accordingly.

(A. Abhishek Reddy , J)

Gauravkr/-

U			
---	--	--	--

