

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14115 of 2019

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Abdul Kuddus Son of Shekh Asiruddin, Resident of Simalbari (Bansbari),
Ward No. 11, P.S. Baisi, District- Purnea.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Collector, Purnea.
3. The Sub Divisional Officer Baisi, Purnea.
4. The Block Supply Officer, Baisi, Purnea.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. NK Agarwal, Sr. Adv. Mr. Shailendra Kumar Singh Mr. Rajiv Ranjan, Adv.
For the Respondent/s	:	Mr. S. Raza Ahmad (AAG-5) Mr. Bijoy Kr.Sinha, AC to AAG-5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 06-05-2025

1. Heard the Learned Senior Counsel Shree N.K. Agarwal appearing on behalf of the petitioner as well as the Learned counsel for the respondent-State.

2. The Writ petition is filed to set aside the order, contained in Memo No. 68 dated 04.01.2018 by which the PDS licence of the petitioner bearing Licence No. 09 of 2016 was cancelled by the Learned Sub-Divisional Officer, Baisi, Purnea and further, to



quash the appellate order dated 29.01.2019 passed in Supply Appeal Case No. 21 of 2018 passed by the Learned District Collector, Purnea.

3. The contents of the Writ petition disclose that the petitioner has earlier filed C.W.J.C. No. 10308 of 2018, challenging the cancellation order of the licensing authority, which was disposed by the Court vide order dated 03.08.2018 which reads as follows:-

1. Heard learned counsel for the petitioner and learned counsel appearing for the State.

2. PDS licence of the petitioner bearing Licence No. 09/16 has been cancelled by the Licensing Authority i.e. the Sub-Divisional Officer, Baisi, Purnea vide Memo No. 68 dated 04.01.2018(Annexure-3).

3. The petitioner has preferred an appeal being Supply Appeal No. 21/2018 before Respondent No. 2 i.e. the Collector, Purnea, which has not yet been considered.



4. This application is disposed off with a direction to the Collector, Purnea (Respondent No. 2) to consider Appeal No. 21/2018 and dispose off the same within a period of two months from the date of receipt/ production of a copy of this order.

4. It is contention of the Learned counsel for the petitioner that the appellate Court i.e. Collector has dismissed the appeal for default, as the petitioner could not appear before the appellate Court. However, he contends that the present Writ petition is filed challenging the order dated 29.01.2019 passed by the appellate Court, Purnea. But, the present Writ petition could not be disposed of till date and he only seeks the indulgence of this Court to set aside the order dated 29.01.2019 and to direct the appellate authority to dispose of the appeal on merits.

5. Considering the fact that the appeal was dismissed for default, and there is no specific provision for the Collector to set aside or review its



own order. This Court is of the considerable view that the order dated 29.01.2019 passed by the appellate Court i.e. Collector, Purnea is liable to be set aside, for giving an opportunity to the petitioner to address his defence before the appellate authority. In turn, the appellate authority shall pass an appropriate order. The petitioner shall approach before the appellate authority within two weeks, from the date of receipt of this order and shall make his submissions. As stated supra, the appellate authority shall dispose of the appeal on merits within two months.

6. With the aforesaid observations, the Writ petition is disposed of.

(G. Anupama Chakravarthy, J)

Manish/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	08.05.2025
Transmission Date	08.05.2025

