

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12798 of 2022

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Rajeev Paswan @ Rajeev Kumar Paswan, son of Thakur Paswan, resident of
Village- Thutha, Ward No. 7, P.S. - Bihariganj, District- Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Madhepura.
2. The District Magistrate, Madhepura.
3. The Sub Divisional Officer, Uda Kishunganj, District- Madhepura.
4. The Block Development Officer, Bihariganj, District- Madhepura.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Saroj Kumar, Advocate.

For the Respondent/s : Mr. S. Raza Ahmad (AAG 5)

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

8 01-07-2025 Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the
following reliefs:-

“(i) For issuance of a writ of certiorari, for quashing the order contained in Memo No. 322 dated 27.07.2011 passed by the Respondent No. 2 in P.D.S. Case No. 5 of 2009 whereby and whereunder the Respondent No. 2 has refused to interfere with the decision of the Licensing Authority by which the license of the petitioner for running the P.D.S. shop has been revoked.

(ii) For issuance of a writ of mandamus directing the Respondent Nos. 2 and 3 to restore the license of the petitioner for running the P.D.S. shop in his Pararia Panchayat.”

3. Learned counsel appearing on behalf of the petitioner



has stated that the authority without conducting any inspection or there been any complaint from any of the beneficiaries has issued the show-cause notice to the petitioner. That the petitioner has given a suitable explanation to the said show-cause notice. However, the authority without going through the explanation submitted by the petitioner has passed the order of cancellation vide order dated 06.05.2009. Aggrieved by the order of cancellation, the petitioner has preferred a statutory appeal before the District Magistrate, Madhepur i.e. Respondent No. 2 herein and the District Magistrate vide order dated 27.07.2011 has passed the impugned order. Learned counsel has stated that the entire proceedings against the petitioner are liable to be set aside on the sole ground that none of the beneficiaries attached to the petitioner have made any complaint about the non-receipt of the grains nor there is any allegation that the petitioner is indulging in black-marketing of the grains. That in absence of any complaint against the petitioner, the cancellation of the license is totally illegal, bad and against the provisions of the Public Distribution System (Control) Order. Learned counsel has therefore, prayed this Court to allow the present writ petition.

4. Per contra, the learned counsel appearing on behalf of the Respondent-State has vehemently opposed the very maintainability of the present writ petition. Learned counsel has



stated that the impugned order passed by the appellate authority was on 27.07.2011 vide Memo No. 322 whereas the petitioner has approached this Hon'ble Court in the year 2022 i.e. nearly after eleven years. That there is absolutely no explanation in the writ petition for the delay in approaching this Court. Further, the learned counsel for the Respondent-State has stated that the petitioner had statutory remedy of filing a revision under 32 (vi) of the Public Distribution System (Control) Order but the petitioner without availing the same has straightaway approached this Hon'ble Court. Learned counsel has, therefore, prayed this Court to dismiss the present writ petition.

5. Admittedly, as seen from the record, the petitioner has been granted PDS license in the year 2007 (New) and, thereafter, the authority has inspected the shop and a show cause notice was issued to the petitioner on 09.02.2009. The Sub-Divisional Officer did not find the explanation submitted by the petitioner satisfactory and has cancelled the license issued in favour of the petitioner. Even the appellate authority did not find any merit in the appeal filed by the petitioner and dismissed the same confirming the order of cancellation. It is to be noted that the appellate authority has passed the order on 27.07.2011 but the petitioner for reasons best known to him has approached this Hon'ble Court only in the year 2022 i.e. after a lapse of more than



eleven years. In the writ petition filed by the petitioner there is absolutely no whisper or explanation with regard to the delay in approaching this Hon'ble Court. The petitioner except stating that the petitioner has approached the Janta Darbar of the Hon'ble Chief Minister has not annexed any document to substantiate the laches or delay in approaching this Court. The Hon'ble Supreme Court as well as Hon'ble High Court in catena of cases has time and again held that the even though no period of limitation is fixed for filing a writ petition under Article 226 of the Constitution of India, yet aggrieved party has to approach the Courts within reasonable time. What is the reasonable time depends on the facts of each case, however, by no stretch of imagination can it be said that delay of eleven years is reasonable and can be condoned.

6. Having regard to the above, this Court does not find any merit in the present writ petition which warrants any interference. The writ petition is liable to be dismissed solely on the ground of delay and laches and the same is, accordingly, **dismissed.**

(A. Abhishek Reddy, J)

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