

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17702 of 2024

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Ram Naresh Singh, Son of Late Yamuna Singh, Resident of Village Dulhin Bazaar, P.S. Dulhin Bazaar, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Government of Bihar, Patna.
2. Commissioner, Patna Division, Patna.
3. Collector cum District Magistrate, Patna.
4. Sub-Divisional Officer, Paliganj cum Licensing Authority, Paliganj, District-Patna.
5. Additional District Collector, Supply, Patna.
6. The Block Development Officer cum Supply Officer, Dulhin Bazaar, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sumeet Kumar Singh, Adv. Mrs. Alka Singh, Adv. Mr. Shivam Singh, Adv. Mr. Amrendra Kumar, Adv.
For the Respondent/s	:	Mr. Standing Counsel (26) Mr. Divit Vinod, AC to Sc 26

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

5 25-06-2025 The present writ petition is filed challenging the order dated 18.06.2024 passed by the Divisional Commissioner, Patna in BTPDS Control Revision No. 127/2024 (Annexure P/10).

2. It is the case of the petitioner that against the order of cancellation of the PDS license, the petitioner has preferred



an appeal before the District Magistrate, Patna, who vide order dated 14.09.2022 (Annexure P/8) had dismissed the appeal. Thereafter the petitioner has filed the revision before the Divisional Commissioner on 25.04.2024 with the delay of approximately one year nine months. That along with the revision the petitioner has also filed an I.A. seeking condonation of delay due in filing the revision. Learned counsel has stated that the petitioner was ill and he had enclosed the necessary medical certificates and given the reasons for the delay of approximately one year and nine months in filing the revision. However, the authority except stating that no plausible explanation has been submitted by the petitioner has not given any other reasons for dismissing the revision. Learned counsel has stated that impugned order dated 18.06.2024 passed by the Divisional Commissioner, Patna is bereft of reasons and may be set aside and the matter remanded back to the authority concerned for passing orders afresh on the merits of the case instead of dismissing the revision on technical grounds.

3. Per contra, the learned counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the present writ petition. Learned counsel has stated that though the petitioner was ample time to file revision



before the Divisional Commissioner, he has taken his own sweet time. Learned counsel has stated that the delay of one year nine months has not been explained by the petitioner properly. Learned counsel has further stated that in the absence of any valid reasons given for condoning the delay of one year nine months, the authority was justified in dismissing the revision on the grounds of laches. Learned counsel has stated that the order of the Divisional Commissioner is perfectly in consonance with the law and therefore, does not require any interference. Counsel has therefore prayed this Hon'ble Court for dismissing the present writ petition.

4. A perusal of the impugned order passed by the Divisional Commissioner reveals that the Divisional Commissioner except stating that the reason for the delay given by the petitioner is not proper has not given any other reasons for dismissing the revision. A perusal of the I.A. filed by the petitioner along with the revision reveals that the petitioner has explained the delay and has stated that the petitioner was suffering from the Hepatitis C and enclosed the necessary certificate of SUSHIL NURSING HOME issued by Dr. Sushil Kumar Singh. However the authority has not dealt with the same. This Court as well as Hon'ble Supreme Court in a catena



of cases has time and again held that the quasi judicial authorities while considering the statutory appeals or revisions should not dismiss the same on purely technical grounds but endeavour to pass orders on the merits of the case. More particularly, in cases where there is delay in preferring the appeal or revision. In most of the cases, the PDS dealers are not well conversant with the provisions of law and are after misled into filing the appeals or revision with considerable delay. The authority should take a lenient view of the matter and pass the order in the main case itself on merits instead of dismissing the appeal or revision on purely technical grounds.

5. Having regard to the same, the impugned order dated 18.06.2024 is set aside. The matter is remanded back to the authority concerned for passing the orders afresh in the main case. The authority shall condone the delay in filing the revision and pass the orders on merits in the main revision itself. The entire exercise shall be completed as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this order

6. It is needless to mention that before passing any orders, the petitioner shall be given an opportunity of hearing. Any order passed shall be communicated to the petitioner.



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

(A. Abhishek Reddy , J)

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