

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1526 of 2012

In
Civil Writ Jurisdiction Case No. 15505 of 2011

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Vijay Kumar Patel S/O Shiv Nandan Paswan R/O Village- Goraipur,P.S.-
Nagarnausa, District- Nalanda

.... Appellant

Versus

1. The State Of Bihar
2. The District Magistrate, Nalanda
3. The Sub-Divisional Officer, Hilsa, District- Nalanda
4. The Block Supply Officer, Nagarnausa, District- Nalanda

.... Respondents

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Appearance :

For the Appellant : Mr. Satish Chandra Mishra, Advocate.

For the Respondents : Mr. Madhuresh Prasad, GP12

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

**HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE V.N. SINHA)

2 14-07-2015 By filing this appeal the appellant-petitioner has assailed the order dated 31st July, 2012 passed by the learned Single Judge in C.W.J.C. No. 15505 of 2011, whereunder the order bearing No. 1626 dated 31.21.2007 passed by the Subdivisional Officer, Hilsa, Nalanda contained in Annexure-14 cancelling the Public Distribution System License No. 10 of 1991 as also the appellate order (Annexure-16) has been upheld observing that the matter involves disputed question of facts which may not be possible for the writ Court to interfere. Notwithstanding the aforesaid legal position, the contention of the

petitioner that his license has been cancelled alleging that complaints were made against him by the beneficiaries attached to the shop, but the persons who alleged against the petitioner were never attached to the shop, so submitted the counsel for the appellant-petitioner. It is further submitted that others who were attached to the shop of the petitioner were examined behind his back and copy of their statement was also not furnished to the petitioner.

If any of the two grounds referred to above is correct then the appellate authority shall be well advised to remit back the matter to the licensing authority for reconsideration of the matter by him.

Accordingly, this appeal is disposed of directing the petitioner to seek review of the appellate order passed by the Collector (Annexue-16) on the aforesaid grounds. The Collector of the district shall be well obliged to dispose of the review petition within two months from the date of its filing annexing copy of this order.

(V.N. Sinha, J)

Abhay/-

(Jitendra Mohan Sharma, J)

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