

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4662 of 2015

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Md. Feroj, son of Md. Salam Uddin, Village- Mahwa, P.S.- Mahwa in the District of Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through the Commissioner/Principle Secretary, Department of Food Safety Govt. of Bihar, Patna.
2. The Food Safety Designated Officer, Muzaffarpur
3. The Civil Surgeon Cum-District Medical Officer, Vaishali, Hazipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Renu Jha

For the Respondent/s : Mr. Ajit Pratap Singh- SC15

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 13-08-2015 Heard Smt. Renu Jha, learned counsel for the petitioner and Sri Ajit Pratap Singh, learned SC No. 15.

The petitioner, invoking writ jurisdiction of this court under Article 226 of the Constitution of India, which was filed on 25.03.2015, has prayed for directing the respondent no. 2 i.e. Food Safety Designated Officer, Muzaffarpur, to renew his licence for the year 2015-16 in relation to Meat Shop.

A plea has been taken that the petitioner is continuing his ancestor's business and earlier licence was granted. However, for renewal of licence despite the fact that the petitioner had filed an application with requisite fee, the licensing authority had not taken any decision. The petitioner had filed an application for

renewal of licence along with Bank Draft dated 3.2.2015. Since it was not being renewed, the petitioner approached this court invoking its writ jurisdiction by filing the present writ petition.

In this case a counter affidavit has been filed on behalf of the respondent no. 1 and 2 and it has been indicated that the petitioner along with the application for renewal of licence though had submitted Bank Draft, as per requirement, the said fee was to be deposited through Treasury Challan, and as such, petitioner's application has been returned to him vide letter no. 13 dated 7.4.2015 issued by the licensing authority.

Learned counsel for the petitioner submits that since the petitioner had filed application much before the expiry of the licence period, even in case of any error, which has now been pointed out, the licensing authority was required to return the form before the expiry of the licence period so that petitioner would have removed the defect. However, in the present case it was issued on 7.4.2015 i.e. after expiry of the licence period.

In view of the fact that that the petitioner within time had applied for renewal of license of his Meat Shop along with requisite fee, of –course, with the bank draft, the court is of the opinion that if the petitioner again presents his application along with the fee of Rs. 2,000/- which is to be deposited through

Treasury Challan within a period of six weeks from today, the licensing authority/ respondent no. 2 without any delay will pass appropriate order. If the petitioner applies for renewal in accordance with law within a period of six weeks from today, the licensing authority without any delay will pass appropriate order in accordance with law within a period of three weeks thereafter.

The writ petition stands allowed.

(Rakesh Kumar, J)

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