

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1047 of 2015

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Guptanand Rai, son of Late Ram Sakal Rai, resident of village - Rambad,
Police Station - Maner, District – Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Bihar, Patna.
2. The District Magistrate, Patna.
3. The Sub-Divisional Officer, Danapur, District – Patna.
4. The Block Supply Officer, Maner, Sub-Division Danapur, District Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukul Prasad

For the Respondent/s : Mr. Ga4- Ashok Priyadarshi

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 10-04-2015

Learned counsel for the parties are present.

The petitioner is a dealer under the Public Distribution System (Control) Order, 2001 as enforced in the State of Bihar vide Fair Price Shop Order, 2007 (hereinafter referred to as ‘the Control Order’) holding Licence No.24 of 2007 which has been cancelled under the orders of the Licensing Authority –cum- Sub-Divisional Officer, Danapur, district- Patna vide Memo no.1428 dated 20.11.2014 placed at Annexure-1 to the writ petition.

Clause 15 of ‘the Control Order’ provides for a remedy of appeal against an order of cancellation of licence but the petitioner without exhausting the statutory remedy so

available to him has approached this Court directly.

Learned counsel submits that the period prescribed for filing an appeal under 'the Control Order' has expired in the meanwhile.

In the circumstances discussed, this writ petition is disposed of affording liberty to the petitioner to exhaust the alternative remedy so available to him under Clause-15 of 'the Control Order' and any such appeal being filed within four weeks from today shall be considered and disposed of by the appellate authority i.e. the District Magistrate, Patna in accordance with law and after giving opportunity of hearing to the petitioner.

(Jyoti Saran, J)

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