

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7406 of 2014

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Dinesh Singh

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mani Bhushan Kumar

For the Respondent/s : Mr. Jawahar Pd. Karn

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH
ORAL ORDER

4 27-11-2015

Heard learned Counsel for the petitioner and State.

The petitioner had P.D.S. license bearing license no. 1/2013. He seeks quashing/setting aside of the order dated 1.02.2014 passed in Appeal No. 6/2013-14 by which the District Magistrate, Sheikhpura has affirmed the order dated 30.03.013 passed by the Sub-Division Officer, Sheikhpura cancelling his license.

The petitioner submits that the show cause notice dated 18.03.2013 was served on him on 29.03.2013 and the impugned order was passed on 30.03.013 by the licensing authority. He thus, submits that the impugned order cancelling his license was passed without affording him an adequate opportunity to present his case.

On the other hand, learned Counsel for the state submits that the stand of the petitioner that he received show cause notice on 29.03.2013 was not accepted by the Appellate Court and he rejected the such plea of the petitioner. He further submits that the Appellate Authority also cancelled the license of the petitioner on merit.

In my view, the petitioner should challenge the findings of the appellate authorities, in revision before the divisional Commissioner. Further, if an application for condoning the delay is filed, the same would be sympathetically condoned as the petitioner was pursuing his remedy before this court. It is further observed that the learned Commissioner would dispose of the revision petition preferably within six months from the date of filing of the application.

With aforesaid observations, the application of the petitioner stands disposed of.

(Samarendra Pratap Singh, J)

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