

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.559 of 2015

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1. Prakash Bind S/o Yamuna Bind Resident of village - Kakrauri, P.S.
Halsi, District - Lakhisarai

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Lakhisarai
3. The Sub-Divisional Officer, Lakhisarai
4. The Block Supply Officer, Lakhisarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mr. Ajay Kumar Singh, Adv.

For the Respondent/s : Mr. Naresh Prasad A.C. to S.C. 24

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

3 10-03-2015 Heard Mr. Ajay Kumar Singh learned counsel for the
petitioner and Mr. Naresh Prasad A.C. to S.C. 24 for the State.

The petitioner happens to be a licensee for running a fair price shop under the Public Distribution System and is aggrieved by an order dated 16.10.2014 bearing Memo No. 459 passed by the Licensing Authority-cum-Sub Divisional Officer, Lakhisarai whereby his licence bearing No. 3 of 1991 has been cancelled.

Although Mr. Singh learned counsel for the petitioner seeks to question the order on several grounds but while making such contention he fairly admits that a statutory appeal against the order of cancellation has been filed before the District Magistrate, Lakhisarai by the petitioner which remains pending and to the information of the petitioner, it is not even been numbered. He

submits that it is in these circumstances since the business of the petitioner is closed hence the present writ petition.

Having heard learned counsel for the parties and taking note of the circumstances where a statutory appeal having been filed by the petitioner questioning the order of cancellation of licence remains pending for adjudication before the District Magistrate, Lakhisarai, the writ petition is disposed of with the direction to the District Magistrate, Lakhisarai to consider and dispose of the appeal preferred by the petitioner against the order of cancellation dated 16.10.2014 passed by the Licensing Authority-cum-Sub Divisional Officer, Lakhisarai in accordance with law and after giving opportunity of hearing to the petitioner who shall be at liberty to raise all issues while pressing his appeal as raised in the present writ petition. Such order would be passed by the District Magistrate within a period of three months from the date of receipt/production of a copy of this order.

Bibhash/-

(Jyoti Saran, J)

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