

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13946 of 2013

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1. Ganesh Prasad Sah Son Of Late Jagdish Prasad Sah Resident Of Village
 And P.O.- Lalapur Bhader, P.S.- Kahalgaun, District- Bhagalpur

.... Petitioner/s

Versus

1. The State Of Bihar Through The Secretary Food And Consumer
 Protection Department, Old Secretariat, Patna
 2. The Collector, Bhagalpur, District- Bhagalpur
 3. The Sub-Divisional Officer, Kahalgaun, District- Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Labh

For the Respondent/s : Mr. Tej Bahadur Singh

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
 PRATAP SINGH**
ORAL ORDER

3 30-09-2015 The petitioner held PDS licence. He is aggrieved by order,
 dated 18.8.2011 passed by the Sub-Divisional Officer, Kahalgaon
 cancelling his licence which was affirmed by the Collector,
 Bhagalpur by order dated 7.6.2013.

The petitioner submits that his shop was inspected at 7 PM,
 beyond the time prescribed for inspection of the shop under 2007
 Order. He further submits that the Appellate Authority did not
 consider the statements of the consumer who stated that they have
 no grievance against the petitioner. He also submits that the
 Appellate Authority did not consider the letter of local Mukhiya
 who too did not make any complaint against the petitioner.

Having regard to the facts and circumstances of the case, this

writ application is disposed of with liberty to the petitioner to take resort to remedy of revision. In case such revision is filed, the learned Commissioner would condone the delay in filing of the revision as the petitioner was pursuing his case before this Court and dispose of the same preferably within three months from the date of its filing.

It is relevant to state herein that the licensing authority would immediately supply the enquiry report to the petitioner within two weeks from the date of filing of his representation before him.

Pending final adjudication by the learned Commissioner, the respondents would not grant licence to any third party in respect of petitioner's shop.

(Samarendra Pratap Singh, J)

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