

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14909 of 2013

=====

1. Suresh Prasad Yadav Son Of Late Sohraj Yadav Resident Of Village - Nakatpura, Police Station Bihar, District - Nalanda

.... Petitioner/s

Versus

1. The State Of Bihar Through Secretary Food Supply Commerce Department, Government Of Bihar, Patna
 2. The Collector, Nalanda At Biharsharif
 3. The District Supply Officer, Nalanda At Biharsharif
 4. The Sub - Divisional Officer Nalanda At Biharsharif

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sudish Kumar
 For the Respondent/s : Mr. Neeraj Nandan

=====

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

3 22-09-2015 Heard learned counsel for the petitioner and the State.

The petitioner prays for quashing of the order dated 27.6.2012 passed by the Sub-Divisional Officer, Biharsharif affirming his earlier order dated 2.6.2006 cancelling the licence of the petitioner.

It is to be noted that the petitioner had challenged the earlier order dated 2.6.2006 cancelling his licence in C.W.J.C. No. 3855 of 2007. This Court observed that the licensing authority has passed the order of cancellation without assigning any cogent reason and without considering the show cause reply and as such the order was unsustainable in law. The writ application was allowed vide order dated 11.1.2012 and the matter was remitted to

the Sub-Divisional officer, Biharsharif.

The petitioner submits that the licensing authority has affirmed the earlier order cancelling the licence. He submits that the finding of the licensing authority is bad in view of his own finding that Sunil Prasad and Kameshwar Gope were not the consumers of his shop and the complainant is the consumer of other Panchayat.

In my view, the petitioner can take all these points in appeal. If the petitioner files an appeal, the delay in filing of the same would be condoned as he was pursuing his remedy before this Court. It is expected that the Appellate Authority would dispose of the appeal within four months from the date of its filing.

With the aforesaid observations and directions, this writ application stands disposed of.

(Samarendra Pratap Singh, J)

KHAN/-

U			
---	--	--	--