

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22414 of 2013

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Niranjan Kumar, Son of Late Jagat Nandan Prasad, resident of Village -
Bilashpur, P.S. Bodh Gaya, District - Gaya

.... Petitioner

Versus

1. The State of Bihar through the District Magistrate, Gaya
2. The District Magistrate, Gaya, P.S. Gaya District Gaya
3. The Sub Divisional Officer, Sadar Gaya District Gaya
4. The Block Supply Officer, Manpur, P.S. Manpur, District Gaya

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Jitendra Pandey

For the Respondent/s : Mr. Madhuresh Prasad

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

ORAL ORDER

3 30-10-2015

Heard learned counsel for the petitioner and the State.

The original petitioner, namely, Jagat Nandan Prasad,
filed this writ application for setting aside the order dated
13.07.2011, passed by the licensing authority, by which his P.D.S.
license, bearing license no.07 of 2001, has been cancelled.

It appears that the license was earlier cancelled on
26.11.2007 by the then Sub Divisional Officer, Sadar, Gaya. The
petitioner challenged the order in C.W.J.C. No. 2719 of 2008,
which was heard along with C.W.J.C. No. 1201 of 2008 and other
cases. The learned Judge by order dated 06.12.2010 noticed that
the impugned order has been passed without serving a copy of the
enquiry report, as such the order dated 26.11.2007, cancelling the
license, was set aside and the matter was remitted to the licensing

authority to consider the case of the petitioner afresh after giving a copy of the enquiry report.

The petitioner appeared before the licensing authority, who supplied the copy of the enquiry report. The petitioner thereafter filed his show-cause reply also, however, not being satisfied with the show-cause reply, the licensing authority cancelled the license of the petitioner vide order dated 13.07.2011.

Being aggrieved, the petitioner Jagat Nandan Prasad filed the writ application. However, during pendency of the writ application Jagat Nandan Prasad (petitioner) died and was duly substituted by his son, namely, Niranjana Kumar, vide order dated 07.10.2015 for grant of license on compassionate ground under Clause 2.5 of the 2007 Control Order, as amended in the year 2011.

The petitioner submits that the licensing authority has not considered his show-cause reply and has passed the order without meeting the grounds mentioned in the show-cause.

In my view, the petitioner should take resort to remedy of appeal before the District Magistrate. In case, if the petitioner files an appeal, the delay in filing the same would be sympathetically considered, as his father was pursuing his remedy before this Court. The appellate authority would dispose of the

appeal within a period of four months without being prejudiced.

This application stands disposed of.

(Samarendra Pratap Singh, J.)

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