

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11028 of 2013

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Bijay Kishore Bajoria Son Of Late Kashi Nath Bajoria Resident Of Mohalla - Patal Babu Road Police Station Tilkamanjhi, Town And District - Bhagalpur

.... Petitioner/s

Versus

1. The State Of Bihar
2. Deputy Commissioner Commercial Taxes, Bhagalpur Anchal, Bhagalpur
3. District Magistrate, Bhagalpur
4. Sub - Divisional Officer, Bhagalpur Sadar Bhagalpur
5. The Civil Surgeon - Cum - Chief Medical Officer Bhagalpur
6. Licensing Officer, Control Administration Town Area, Bhagalpur
7. Pradip Kumar Sharma Son Of Late Bishundeo Sharma Resident Of Ishakchak, P.S. Ishakchak, District - Bhagalpur, Partner 'Prachi Medico' Patal Babu Road, Near Bajoria Petrol Pump P.S. Tilkamanjhi, District Bhagalpur
8. Smt. Bimla Agrawal Wife Of Mohan Lal Agrawal Resident Of Dwarikapuri Colony, Dr. Rajendra Prasad Road, P.S. Kotwali, District - Bhagalpur
9. Sri Krishnanand Son Of Late Sachchidanand Proprietor Foam Centre, Patel Babu Road Near Bajoria Petrol Pump, P.S. Tilkamanjhi Town And District Bhagalpur

.... Respondent/s

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL
ORAL JUDGMENT
Date: 17-02-2016

Heard counsel for the petitioner and the State.

The petitioner claims himself to be the owner of the building in which Prachee Medico is located. The drug licence of the said shop is issued in the name of respondent no.8, who, accordingly to the petitioner, is not the tenant of the shop. It is stated that in breach of condition for grant of drug licence the respondent issued the licence for sale of pharmaceutical products/medicines in favour of respondent no.8. It is also stated that respondent no.9 showing illegally respondent no.7 (tenant) as the owner of the shop got issued VAT registration in respect of another shop for running a foam business.

Precisely, it appears to be a dispute between the landlord and the tenant. The petitioner has remedy under law to get the shop vacated/evicted.

However, if the contention of the petitioner is that respondent no.8 obtained drug licence in breach of condition, in my view, the petitioner should ventilate his grievance before the appropriate authority/licensing authority in respect of respondent no.8 for consideration in accordance with law.

The writ application is disposed of permitting the petitioner to file appropriate representation before the concerned respondent/licensing authority for consideration and disposal in accordance with law. Needless to observe that if any such application is filed, together with a copy of the application the concerned respondent will examine the same and take appropriate decision and/or pass appropriate order in accordance with law as quickly as possible, preferably within 08 weeks of such filing.

(Kishore Kumar Mandal, J)

HR/-

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