

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.812 of 2017

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Praveen Kumar Chaudhary Son of Late Ramchalitar Chaudhary Resident of Ward
No. - 33 Nagar Nigam, P.O., P.S. and District - Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate, District - Begusarai.
3. The Sub-Divisional Officer, Begusarai, District - Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Labh, Adv.

For the Respondent/s : Mr. S. Raza Ahmad, AAG-5

Mr. Vishwambhar Prasad, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 01-05-2017

Heard learned counsel for the petitioner and counsel for
the State.

In this case the petitioner is challenging the order dated
14.10.2016, whereby and whereunder, the S.D.O., Begusarai has held
that in view of Clause 2.8 (ख), the license of the petitioner bearing No.
01/2010 has automatically been cancelled.

It appears that after the enforcement of Bihar Targeted
P.D.S. (Control) Order, 2016, all the PDS Dealers of Begusarai
district were directed to submit their old licence so that new license
can be issued. In pursuance thereof, the petitioner, running the PDS
shop, has also submitted. In course of enquiry, it has been found that
he has deposited the license fee up to 31.12.2014, whereafter, he has



not renewed the license and that can be done after deposit of Rs. 50/- as a late fine and the maximum period was allowed by eight months.

From the impugned order, it appears that the office order no. 311 dated 8.9.2016 and letter no. 317 dated 15.9.2016, the petitioner was given liberty to deposit the license fee and the application for renewal but, he has neither filed an application for renewal of the license nor deposited the late fee. The licensing authority has placed reliance on Clause 34(iv) of the Bihar Targeted PDS (Control) Order, 2016 as well as Clause 2.8 (ख) of the 2001 Control Order including Memo No. 1800 dated 2.3.2015.

Learned counsel for the petitioner submits that he has deposited the license fee within a period of six months, placed reliance on the order of this Court dated 30.3.2017 passed in C.W.J.C. No. 2695 of 2016 but, there the Court has not decided any issue rather has only observed for taking a decision in accordance with law.

When this part of the order has been dictated, learned counsel for the petitioner seeks permission of this Court to withdraw this application with a liberty to file an appeal before the appellate authority.

This writ application is dismissed as withdrawn with the aforementioned liberty to file an appeal and the appellate authority will be obliged to dispose of the same within a period of four months



from the date of filing of the appeal.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.05.2017
Transmission Date	NA

