

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2699 of 2017

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Shesh Nath Prasad Son of late Shivji Sah Resident of Village- Pakadi Bishauli, P.O. Amolwa, P.S.- Gaunaha, Distt. West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food Supply & Commerce at Patna.
2. The Collector, West Champaran at Bettiah.
3. The Sub-Divisional Officer, Narkatiyaganj, West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Aditya Nath Jha, Adv.

For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 03-04-2017

Heard learned counsel for the parties.

In this case, the petitioner has submitted that a complaint was filed in respect of misdemeanour of the petitioner in the Janata Darbar of the Collector, West Champaran. He has referred the matter to the Sub-Divisional Officer who, vide order dated 16.12.2013 (Annexure-3), cancelled the licence of the father of the petitioner bearing License No. 24 of 2007 on account of irregularity committed by the petitioner. Against that, the father of the petitioner filed an appeal before the Collector being P.D.S. Appeal No. 26 of 2014-15 who, after hearing the parties, remanded the matter back to the S.D.O., Narkatiyaganj for passing a fresh order. The S.D.O., on remand, has not passed any order and sat tight over the matter. While the matter remained pending



before the S.D.O., the Licensing Authority, the father of the petitioner died, whereupon, he has filed an application that as no order has been passed while his father was alive and, as such, the license be restored and that should be transferred in his favour.

Learned counsel for the petitioner submits that in a similar circumstance, in C.W.J.C. No. 703 of 2014 in the case of Md. Hasare Alam Vs. The State of Bihar & Ors., this Court has directed for consideration of restoration of the licence and its transfer.

Let the Sub-Divisional Officer, Narkatiyaganj, West Champaran, take a decision in terms of the order passed by this Court in the case of Md. Hasare Alam (supra) within a period of three months from the date of receipt/production of a copy of this order subject to the condition that the fact of that case is similar and same to the present case.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
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