

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.723 of 2017

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Mala Devi, W/o Shambhu Sah, Resident of village - Mahartha, Panchayat - Jhitkahi
Madhuban, P.S. Kanti, District - Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Food & Consumer Protection, Government of Bihar, Patna
2. The Collector, Muzaffarpur
3. The Sub Divisional officer, (West) Muzaffarpur
4. The Block Supply officer, Kanti, Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Subodh Kumar Jha, Adv.
Mr. Pranav Kumar Jha, Adv.
Mr. Sarveshwar Tiwary, Adv.

For the Respondent/s : Mr. Santosh Kumar Mishra, A.C. to G.P.-9

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL JUDGMENT
Date: 08-09-2017

Let the Supplementary Affidavit filed by the petitioner
be kept on record.

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

In this case, the petitioner is challenging the order
containing memo no.3428 dated 27.12.2016, passed by the Sub-
Divisional Officer (West), Muzaffarpur, whereby and where-under
he has cancelled the P.D.S. licence of the petitioner.

The shop of the petitioner was inspected by the Block
Supply Officer and Election Officer. During inspection, it was found
that the shop was not running properly in terms of the E.C. Act and in
terms of the licence. The show-cause was issued, which was replied
by the petitioner. The Sub-Divisional Officer was not satisfied



with the explanation of the petitioner and rejected the same and ultimately, passed the order for cancellation of the licence.

Today, by supplementary affidavit, the petitioner has brought a report dated 05.12.2016, which was furnished to the Collector by the District Supply Officer, wherein he has not found any wrong with the shop of the petitioner.

This Court cannot give any finding on that report as there is a provision of appeal against the order of the Sub-Divisional Officer. If the petitioner files an appeal within three weeks from today, the appellate authority will consider and decide the same in accordance with law within a period of three months from the date of filing of such appeal. While deciding the question of limitation, the appellate authority will take into account the pendency of this case before this Court. The petitioner is at liberty to produce the aforesaid report of the District Supply Officer before the appellate authority, who will examine the same and take decision in accordance with law.

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

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	11.09.2017
Transmission Date	N/A

