

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14410 of 2016

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M/s. Sourabh Distributor, Bazar Road, P.S. Araria Town, District Araria, through its Proprietor Sri Pramod Kumar Jaiswal S/o Late Shiv Shankar Prasad R/o Bazar Road, P.S. Araria Town, District Araria.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Licensing Authority, Drugs Control Administration, Araria.
3. The Health Department, 4th Floor, Vikash Bhawan, New Secretariate, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sandeep Kumar, Adv.
Mr. Ajit Kumar, Adv.

For the Respondent/s : Mr. Chitranjan Sinha(PAAG2)
Ms. Ratna Kumari, AC to PAAG-2

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 15-02-2017

This case has been listed on account of filing of the interlocutory application, I.A. No. 573 of 2017. Learned counsel for the petitioner submits that on 18.1.2017, he could not appear on account of the fact that he was busy with the treatment of his father as has been mentioned in paragraph no.3 of the I.A. application.

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

In this case, the petitioner is challenging the Memo No. 277 dated 5.7.2016, whereby and whereunder, the licence of the petitioner shop has been cancelled.

There is a provision of appeal. This Court, in some of



the cases in which the persons have filed an appeal against the order cancelling the licence, has granted stay of the order till disposal of the appeal pending before the Hon’ble Minister. In the present case, the petitioner has directly challenged the order dated 5.7.2016 before this Court instead of moving to the appellate forum which is available under the Drugs and Cosmetics Act and the petitioner ought to have moved there.

Accordingly, this Court directs that if the petitioner files an appeal before the appropriate authority, the impugned order dated 5.7.2016 will be kept in abeyance till disposal of the appeal. This Court for passing such an order has taken cognizance of the order dated 15.11.2016 passed in CWJC No. 10150 of 2016 and analogous cases.

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

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.02.2017
Transmission Date	

