

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17823 of 2014

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Manki Prasad S/o Late Jagdeo Prasad Resident of Raidih, P.S. - Bihta,
District - Patna.

... Petitioner/s

Versus

1. The State of Bihar through the Collector, Patna.
2. The Sub Divisional Officer, Danapur, Patna.
3. The Block Supply Officer, Bihta, Patna.

... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari

For the Respondent/s : Mr. Sc4- Md. Raisul Haque

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

4 01-11-2017 Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner seeks to set aside the order dated 19.08.2013 issued under the Memo No. 732 by which the licence granted under the provisions of the Fair Price Shop Control Order has been cancelled on the sole ground that the petitioner's application for renewal of the said licence was not filed within the statutory period as fixed under the Control Orders.

Learned counsel for the petitioner submits that the impugned order has been passed in gross violation of the Principles of Natural Justice inasmuch as no notice was served to him prior to cancellation of the licence. He further submits that he had filed his application for renewal after a



lapse of one month five days, since the petitioner had been indisposed between the period April, 2013 and May, 2013, however, he had subsequently deposited the fee for renewal which has not been considered.

Learned counsel for the petitioner has drawn my attention to a decision of this Court dated 28.06.2016 passed in C.W.J.C. No. 1361 of 2014, by which, the delay of one month seven days has been condoned and since the renewal fee has already been deposited by the time of the filing of the present writ application on 05.05.2013, which delay cannot be considered to be inordinate and the same being beyond the control of the petitioner on account of his illness.

It is, accordingly, directed that the Licensing Authority shall condone the delay occasioned by the petitioner as a one time measure and his licence may be restored. It goes without saying that once the licence of the petitioner is restored, the supply to his dealership should also be continued.

With the aforesaid direction, the writ application stands disposed of.

(Anjana Mishra, J)

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