

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1552 of 2015

IN

Civil Writ Jurisdiction Case No. 489 of 2014

=====

Md. Sanaullah S/o Late Azizul Haque, resident of village- Jahangir Tola, Radhi North, P.S.- Kamtoul, District- Darbhanga

.... Appellant

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Old Secretariat, Patna
2. The Collector, Darbhanga, District- Darbhanga
3. The Sub Divisional Officer, Sadar Darbhanga, District- Darbhanga
4. Santosh Kumar Ram @ Santosh Ram, S/o Late Ramdeo Ram, resident of village and P.O.- Narauchh Dham, P.S.- Jale, District- Darbhanga

.... Respondents

=====

Appearance :

For the Appellant : Mr. Bidhan Chandra Jha, Advocate

For the Respondents : Mr. Birju Prasad, Advocate

Mr. Ashok Kumar, Advocate

=====

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 13-01-2017

Limitation petition, which is I.A. No. 7002 of 2015 is allowed for the reasons indicated therein. Delay of eight days in filing the appeal is condoned.

The learned single Judge was moved when the fair price shop licence of the petitioner of the writ application, namely Santosh Kumar Ram @ Santosh Ram, who was a PDS dealer, was cancelled by the licencing authority and that order was upheld by the Collector as well as by the Commissioner.

After a detailed consideration of the issue and finding



many irregularities in the manner in which the licence was cancelled, the learned single Judge set aside those orders of cancellation and allowed the writ application.

The appellant claims himself to be a social worker, who was not even a party to the writ application, but had intervened. Since he has an agenda in dragging such PDS dealers into controversy and may be using this methodology for extortion and blackmail. The action was initiated by an authority who was not even the competent authority. A busy bee like the present appellant has no place in the statute. The appeal, therefore, filed by him against the order of the learned single Judge is not required to be entertained even otherwise because the decision does not suffer from any legal infirmity.

The appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	16.01.2017
Transmission Date	N/A

