

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1468 of 2013

In

Civil Writ Jurisdiction Case No. 8286 of 2013

With

Interlocutory Application No. 8139 of 2013

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Kamleshwari Das Son Of Late Shiv Das Resident Of Village- Amarpur,
P.O.- Ekchari, P.S.- Kahalgaun, District- Bhagalpur

.... Appellant/s

Versus

1. The State of Bihar through The Secretary, Food And Consumer Protection Department, Old Secretariat, Patna
2. The Sub-Divisional Officer, Kahalgaon, District- Bhagalpur

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajeev Kumar Labh

For the Respondent/s : Mr. Girija Shankar Pd

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

3 23-02-2017 Heard counsel for the appellant and the counsel for the State.

Delay of 9 days in filing this appeal is condoned. I.A. No. 8139 of 2013 is allowed. The matter is thereafter taken up on merits.

After more than three years of the order of suspension of license and subsequent cancellation of licence itself, the petitioner/ appellant filed the writ application challenging it on the ground that he had no knowledge of such decisions.



The learned Single Judge vide order dated 13.9.2013 repelled such a submission on the ground that since the petitioner was in the business of a Public Distribution System, for three long years he never lifted any food-grain and did any business during this period, which is a clear indication that he had adequate knowledge of cancellation of his licence. On this ground the writ petition was dismissed refusing to interfere with a stale decision. The learned Single Judge has committed no error by refusing to entertain the writ.

The appeal is dismissed being devoid of merits.

(Ajay Kumar Tripathi, J)

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(Nilu Agrawal, J)

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