

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1309 of 2018

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Manki Rai, P.D.S. Dealer, Anandpur Panchayat, Block - Bihta son of Jhagru Rai
Resident of Bihta Samastu Asthan, P.O. - Bihta, P.S. - Bihta, District - Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Civil Food Supply Deptt.
2. The District Magistrate, Patna.
3. The Sub-Divisional Officer, Danapur.
4. The Block Supply Officer, Bihta.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar Mishra, Adv
For the Respondent/s : Mr. S.RAZA AHMAD -AAG5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-04-2018

The present writ petition has been filed for quashing the memo No.XII-80/14 dated 07.10.2014 as contained in Annexure-4 whereby and whereunder the respondent no. 3 has cancelled the PDS licence No. 01/09 on the ground that the petitioner has been acquitted in Bihta P.S. Case No. 649/14 under Section 7 of the Essential Commodities Act.

2. It is submitted on behalf of the petitioner that Bihta P.S. Case No. 649/14 was instituted in respect of the alleged violation of the provisions of the Essential Commodities Act and for which irregularities the petitioner's PDS licence was cancelled in terms of the impugned order dated 07.10.2014. It is further stated that after trial, the petitioner has since been acquitted in terms of the order dated 17.08.2017 passed by the learned A.C.J.M.Ist, Danapur,



3. Learned counsel for the petitioner fairly accepts that remedy by way of appeal is available.

4. In the above circumstances, the writ petition stands dismissed with liberty to the petitioner to file appropriate statutory appeal against the impugned order of cancellation.

5. It is made clear that in case such an appeal is filed, the concerned authority would have regard to the present proceeding being pursued by the petitioner while considering any issue relating to condonation of delay, if applicable.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
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