

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1740 of 2017

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Ganga Prasad Mandal, S/o. Late Kusum Lal Mandal, Resident of Village-
Kalapatti, P.S.- Phulparas, District- Madhubani.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary Food and Supply Consumer Department, Patna.
3. The District Magistrate, Madhubani.
4. The Sub- Divisional Officer, Phulparas.
5. The Block Development Officer, Phulparas.

.... Respondents

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Appearance:

For the Petitioner : Mr. Arun Kumar Bhagat, Advocate
For the Respondents : Mr. Sanjay Kr. Giri- GP01
Mr. Nikhil Kumar Agrawal, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 03-01-2018

The present writ petition has been filed for a direction to the respondent authorities to restore the Fair Price Shop License No. 51/07 of the petitioner, which was cancelled on the basis of institution of Phulparas P.S. Case No. 49 of 2015 under Section 7 of the E.C. Act.

2. Learned counsel for the petitioner submits that the cancellation order has been passed without affording proper opportunity to the petitioner nor the petitioner's show cause reply was considered or appreciated in its correct perspective.

3. Learned counsel for the respondents on the other hand submits that Appeal No. 01/2015 has been preferred by the petitioner on 06.05.2015 against the cancellation order dated 16.03.2015, which



is still pending and would be disposed of without delay.

4. Having regard to the fact that an appeal against the cancellation order is already pending before the Collector, Madhubani and especially in view of the fact that no challenge has been laid to the cancellation itself, the prayer for restoration of the petitioner’s license cannot be granted in the present writ petition. This Court is accordingly not inclined to interfere in the matter. The writ petition stands disposed of with a direction to the Collector, Madhubani to consider and dispose of the petitioner’s Appeal No. 01/2015, if still pending, expeditiously and in any event within a period of three months from the date of receipt/production of a copy of this judgment.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
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