

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3808 of 2017

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Chandra Shekhar Sah Son of Sri Prabhu Prasad Sah Resident of Village -
Madhay, Post - Sanjha, P.S. - Rajaun, District - Banka.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer
Protection Department, Old Secretariat, Patna.
2. The Collector, Banka, District - Banka.
3. The Licensing Authority-Cum-Sub-Divisional Officer, Banka, District - Banka.

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajeev Kumar Labh, Advocate.
For the Respondents : Mr. S. Raza Ahmad, AAG-5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 17-04-2018

Heard learned counsel for the petitioner and learned
counsel for the respondents.

*2. The present writ petition has been filed for the following
reliefs:*

*“ (A) For quashing and setting aside the order dated
16.01.2013 as contained in Memo No. 59 passed by the
Licensing Authority-Cum-Sub-Divisional Officer, Banka
whereby and whereunder licence of the petitioner’s Fair
Price Shop bearing No. 69/12 has been cancelled contained
in Annexure-1 and quashing and setting aside the order
dated 30.09.2016 passed by the learned Collector, Banka in
Supply Appeal No. 227/12-13 contained in Annexure-5
whereby and whereunder appeal filed by the petitioner
against the cancellation order has been rejected and
affirmed the cancellation order.*

(B) A mandamus commanding the respondents to restore



the petitioner's licence as before and to make allotment for the petitioner's shop.

(C) Any other relief/reliefs for which petitioner may be found entitled in the facts and circumstances of the present case may be granted to him."

3. At the very outset, this Court takes note that the petitioner has remedy of revision against the appellate order dated 30.09.2016 passed in Supply Appeal Case No. 227/12-13 (Annexure-5). Learned counsel for the petitioner accepts that such remedy would be available.

4. In the above circumstances, the writ petition is disposed of with liberty to the petitioner to approach the revisional authority, if so advised, against the impugned appellate order.

5. It is made clear that in case such a revision 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)

Md. Ibrarul/BT

AFR/NAFR	NAFR
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