

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4744 of 2019

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Daroga Sah aged about 56 years, S/o Ekam Sah Resident of Village-Jagiri
Tola,P.S. Gopalganj,Dist.-Goalganj

... .. Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Gopalganj
3. The Sub-Divisional Officer, Gopalganj
4. The Block Development Officer-cum-Supply Officer,Gopalganj

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Srivastava, Advocate
For the Respondent/s : Mr. AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-05-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

This writ application has been filed for setting aside
the order dated 26.12.2018 passed in Supply Case No. 01 of
2019 by the Sub-Divisional Officer, Gopalganj.

Learned counsel for the petitioner submits that the
impugned order passed by the Sub-Divisional Officer,
Gopalganj is wholly illegal and is in violation of the principles
of natural justice as this Court has deprecated the approach of
the licensing authority to cancel the license only on the ground
that on one day the shop was found closed. Learned counsel for
the petitioner has relied upon a judgment of a Division Bench



of this Court in the case of **Turant Lal Paswan V. State of Bihar & Ors.** reported in **2012 (3) PLJR 583.**

Learned counsel for the State submits that instead of keeping the writ application pending, the matter may be disposed of with a direction to the appellate authority that in case the petitioner prefers an appeal the same be considered within the given prescribed period after considering all such pleas which are available to the petitioner.

In the given facts and circumstances of the case, learned counsel for the petitioner submits that he would prefer statutory appeal within a period of 30 days from today.

In case, if such an appeal is preferred before the appellate authority in accordance with the provisions of the Bihar Targeted P.D.S. (Control) Order, 2016, the appellate authority shall consider the same and will dispose of it within the statutory period of 60 days from the date of filing of such an appeal. It is made clear that while disposing of the appeal, the appellate authority shall consider all the pleas taken by the petitioner and the judicial pronouncement on the subject as has been referred hereinabove.

The appeal shall be heard on merit and in case any question of limitation arises, the same will be considered



keeping in mind that the petitioner was pursuing his remedy before this Court.

This writ application stands disposed off with the aforesaid direction.

(Rajeev Ranjan Prasad, J)

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