

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7829 of 2020

=====

Smt. Jaymanti Devi, aged about 44 years, female, wife of Sri Umesh Das,
Resident of Village and P.O. - Chiraiya, P.S. - Amarpur, District - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Banka.
3. The Licencing Authority-cum-Sub-Divisional Officer, Banka District-Banka.
4. The Assistant District Supply Officer, Banka, District-Banka.
5. The Block Supply Officer, Amarpur, District-Banka.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Bhola Kumar, Adv.

For the Respondent/s : Mr. Alok Ranjan, Adv.

=====

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL JUDGMENT

Date : 05-10-2020

Heard Mr. Bhola Kumar, learned Advocate for
the petitioner and Mr. Alok Ranjan, learned Advocate for the
State.

2. This is an application seeking quashing of the
order dated 18.06.2020 passed by the learned Sub-
Divisional Officer, Banka, whereby the licence of the



petitioner has been cancelled.

3. Learned counsel for the petitioner has submitted that the grounds which were taken in his show-cause explanation has not at all been adverted to and a decision has been taken on the premise that no evidence was put forth in support of the contentions raised by the petitioner. It has further been submitted that all evidences were given and the four persons who had complained against the petitioner that they were not provided with the food-grains, are not the card-holders. This aspect has not been taken into account by the licensing authority.

4. However, from the perusal of the order impugned, it appears that the reasons, even though erroneous, have been given by the licensing authority for cancelling the licence of the petitioner.

5. In that view of the matter, this Court would not interfere with the impugned order as the petitioner has a remedy of appeal against the order passed by the licensing authority.

6. Should such an appeal be preferred by the



petitioner within a period of four weeks from today, the same shall be entertained and heard in proper perspective and a reasoned order shall be passed within a period of eight weeks of the receipt of such memo of appeal.

7. The order, so passed by the appellate authority, shall be immediately communicated to the petitioner.

8. With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	08.10.2020
Transmission Date	N/A

