

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22119 of 2019

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Md. Maroof, Aged about 59 years, Male, Son of Md. Idaris, Resident of Village- Bhataura, P.S. Kamtoul, District- Darbhanga.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Labh, Advocate
For the Respondent/s : Mr. Alok Ranjan, A.C. to A.A.G.5

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 25-11-2020 Heard Mr. Rajeev Kumar Labh, the learned counsel

for the petitioner and Mr. Alok Ranjan, the learned A.C. to

A.A.G.5 through video conferencing.

The petitioner has filed this writ petition for quashing Annexure-1, the order passed by the Sub-divisional Officer, Sadar, Darbhanga, as contained in Memo No.667, dated 25.09.2019, whereby the licence of the petitioner has been cancelled.

Learned counsel for the petitioner submits that after issuance of show cause, the petitioner filed the detailed show cause and also filed the affidavit sworn by Lalu Paswan that he did not complain against the petitioner but the show cause of the



petitioner has been rejected without assigning any reason and that amounts to non-consideration of the show cause, therefore, the order is vitiated. It is further submitted that if the order is in violation of principles of natural justice, the writ is maintainable.

Mr. Alok Ranjan, the learned A.C. to A.A.G.5 submits that there is provision of statutory appeal. The petitioner can also raise the question of facts as well as the question of law in the appeal.

Having considered the facts aforesaid, I dispose of this writ petition with a direction to the petitioner to file appeal before the Collector, Darbhanga within 30 days from the date of this order and the Collector, Darbhanga shall dispose of the appeal within 60 days from the date of filing of the appeal, which is the statutory period for disposal of the appeal, with a reasoned order.

With the aforesaid observation, the writ petition is disposed of.

(Prabhat Kumar Jha, J)

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