

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9165 of 2020

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Jay Prakash Prasad, son of Ramvilash Prasad, resident of Village- Baniyapur,
P.O.- Lejuar via Daudpur, Gram Panchayat- Balsera, P.S.- Chapra, District-
Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate cum Collector, Saran at Chapra.
3. The District Supply Officer, Saran at Chapra.
4. The Sub- Divisional Officer cum Licensing Authority, Sadar, Chapra.
5. The Block Supply Officer, Manjhi, Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Diwakar Upadhyaya, Advocate Ms. Preety Kunwar, Advocate
For the Respondent/s	:	Mr. S. Raza Ahmad, AAG-5

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 07-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“That, the present writ application is being filed for the issuance of appropriate writ/writs, order/orders for setting aside the order dated 05.02.2020 passed by the respondent no.4 the S.D.O. Sadar, Chapra, contained in memo no. 308, whereby he has passed an order for the cancellation of petitioner’s P.D.S. License No. 82/2016.”

Learned counsel for the petitioner seeks permission to withdraw the present petition reserving liberty to file an appeal against the impugned order before the authority concerned for redressal of the grievances.

Prayer allowed.

All issues on facts and law are left open.

The present application is, accordingly, disposed of as withdrawn reserving liberty to the petitioner to file an appropriate appeal before the appropriate authority within a period of four weeks from today. If such an appeal is filed by the petitioner within the stipulated time, the authority concerned is directed to consider the same and dispose it of expeditiously and preferably within a period of two months from the date of its presentation.

If the appeal is preferred within the stipulated period, the period for which the present petition remained pending before this Court shall not be accounted for the purposes of limitation.

While considering the appeal, authority concerned shall take into account all materials available on record, including the decision rendered by this Court in 2018(4) P.L.J.R. 516, titled as Ram Bachan Ram vs. The State of Bihar and Ors.

Needless to say that while considering such appeal, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

If aggrieved by the said order, the petitioner shall have liberty to approach this Court by way of separate petition(s), if so required and desired.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	NA