

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2961 of 2021

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Chanda Kuwar @ Mosmat Chanda Kuwar W/o Late Chini Lal Sah, resident
of Village - Saraiya, P.S. Baniyapur, District - Saran (Chapra).

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate Saran at Chapra.
2. The District Supply Officer Saran at Chapra.
3. The Sub Divisional Officer Sadar Saran at Chapra.
4. The Block Development Officer, Baniyanpur Saran at Chapra.
5. The Block Supply Officer Baniyanpur Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Advocate, Advocate
For the Respondent/s : Mr.Lalit Kishore (A.G)

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

Date : 14-12-2021

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“1. That the present writ petition is being filed for issuance of appropriate writ/writs, order/orders direction/directions to the Respondents for setting aside the order dt 14.03.2018 vide memo no.442 issued by S.D.O. Sadar Chapra, and cancelled the license of petitioner of P.D.S. Delar vide license No. 94/2016 only on the basis of oral statement of three consumers except this nothing, the reply of show cause has also been filed by petitioner and after dissatisfying the reply the present order has been passed by S.D.O. Sadar and same has been challenge before the D.M Saran vide App.No.- 13/2018 on 07.04.2018 same is pending before D.M Saran till today.

As per the above facts Your Lordships may

pass appropriate order after setting aside the order dt. 14.03.2018 vide memo no.442 issued by S.D.O. Sadar Chapra and restored the license of the petitioner.”

Learned counsel for the petitioner states that the appeal preferred by the petitioner is pending for the last three years.

It is brought to our notice that the appeal has to be decided within the statutory period prescribed under the Act.

Learned counsel for the petitioner further states that the appeal has to be heard and decided also in view of the decision rendered by this Court in C.W.J.C. No. 5418 of 2009 titled as Ramnath Paswan Versus The State of Bihar & Ors. (Annexure-7 Page-39).

Well, we do not express any opinion about the binding effect of the said decision, but, however, since the petitioner's appeal is pending consideration, we direct the authority concerned to positively decide the same within four weeks from today by passing a reasoned and speaking order, of course after complying with the principles of natural justice, as also after giving opportunity to the parties to produce all the relevant materials. The petitioner shall make himself available in the office of the appellate authority on 21st of December, 2021 along with a copy of this order. The appellate authority shall

account for all the submissions made by the petitioner.

The present writ petition stands disposed of in the aforesaid terms.

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