

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8599 of 2020

Intesar Ahmad @ Intsar Ahmad, son of Late Sarfaraz Ahmad, Resident of Mohalla Shumali Sherghati, Police Station- Sherghati, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Consumer Protection, Govt. of Bihar at Patna.
2. The District Magistrate, Gaya.
3. The Sub Divisional Officer, Sherghati, Dist- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Binay Kumar, Advocate
For the Respondent/s : Mr.Arvind Ujjwal, SC-4

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 03-03-2021 Heard learned counsel for the parties.

2. The petitioner had a licence to run a shop under Public Distribution System, which was cancelled by an order dated 24.01.2017, passed by the licensing authority i.e. Sub-Divisional Officer, Sherghati, Gaya on the allegation of certain irregularities.

3. The petitioner had preferred an appeal against the said order of the Sub-Divisional Officer giving rise to Supply Appeal Case No. 7 of 2017 before the District Magistrate, Gaya. The District Magistrate, Gaya had dismissed the appeal by a detailed reasoned order dated 16.04.2017. The said two orders have been put to challenge in the present writ application filed



on 12.10.2020. In the pleadings, there is no acceptable justification to explain the delay of more than three years in approaching this Court to assail the impugned order passed by the Appellate Authority.

4. Learned counsel appearing on behalf of the petitioner has drawn my attention to the original order passed by the Sub-Divisional Officer to contend that the same is perverse as it does not disclose at all any application of mind. He has submitted that a subsequent reasoned order passed by the Appellate Authority cannot validate and legalize the illegal original order passed by the Sub-Divisional Officer, Sherghati.

5. I am not inclined to go into the said aspect of the matter in the present facts and circumstances of the case as the petitioner has approached this Court more than three years after rejection of appeal by the District Magistrate, Gaya.

6. This application is accordingly dismissed.

7. The petitioner shall, however, be at liberty to apply afresh for grant of new licence in accordance with law.

(Chakradhari Sharan Singh, J)

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