

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6289 of 2021

=====

Mahamaya Prasad @ Mahamaya Prasad Ray Son of Late Butai Ray, resident
of Village - Kasina, P.S. Garkha, District - Saran.

... .. Petitioner

Versus

1. The State of Bihar through Collector, Saran.
2. District Magistrate, District - Saran.
3. Sub-divisional Officer, Saran, District - Saran.
4. District Supply Officer, Saran, District - Saran.
5. Block Supply Officer, Garkha, District - Saran.

... .. Respondents

=====

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Singh
For the Respondent/s : Mr.Lalit Kishore (Ag)

=====

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

**(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH)**

2 25-01-2022 This matter has been taken up for hearing online

because of COVID-19 pandemic restrictions.

The petitioner has put to challenge an order passed by
the Sub-divisional Officer, Chapra, whereby the petitioner's
licence to run a fair price shop under the Bihar Targetted Public
Distribution System (Control) Order, 2016 (in short Control
Order) has been cancelled.

It is an admitted position that the petitioner has not
preferred appeal as provided under the said Control Order.
Learned counsel appearing on behalf of the petitioner has



submitted that the impugned order cancelling licence is *per se* illegal inasmuch as on 15.06.2019 a show cause notice was issued and on the same day, the petitioner's licence was suspended on the ground of registration of a First Information Report against him.

Be that as it may, since the petitioner has remedy of appeal under the Control Order, this application stands disposed of with an observation that the petitioner shall have the liberty to prefer appeal against the impugned order. If any appeal is preferred within four weeks from today before the appellate authority with an application seeking condonation of delay, the appellate authority shall consider the same liberally keeping in view the fact that the petitioner was pursuing his remedy before this Court by filing the present writ application and decide the petitioner's appeal on merit within the period prescribed under the control order.

This writ application stands disposed of accordingly.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

Pawan/-

U			
---	--	--	--

