

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5187 of 2022

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Suresh Kumar Yadav, male, aged about 31 years, Son of Prayag Yadav,
Resident of Village - Pakra, P.S. - Navgachhia, District - Bhagalpur.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Labh, Adv.

For the Respondent/s : Mr. Alok Ranjan, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 29-09-2022

Heard Mr. Rajeev Kumar Labh, the
learned Advocate for the petitioner and Mr. Alok
Ranjan, the learned counsel for the State.

2. On the ground of the petitioner not



having got his license renewed for several months, a proceeding was initiated against him by which his license was initially suspended and, thereafter, cancelled.

3. Before the cancellation of the licence, the petitioner had approached this Court *vide* C.W.J.C. No. 1750 of 2022.

4. This Court, on finding that a show-cause notice has already been served upon the petitioner, directed the licensing authority to pass a final order regarding renewal of license of the petitioner.

5. The final order of cancellation of license of the petitioner has already been passed, which has been impugned in the present petition.

6. Mr. Labh, the learned Advocate for the petitioner, has submitted that in view of the government circular extending the time for depositing renewal fee, the petitioner had made



several representation for accepting the renewal fee from him and renewing the license for further period of five years, which arbitrarily been rejected.

7. Since there is a provision of appeal against the order of cancellation on whichever ground, we direct the petitioner to prefer an appeal against the order of cancellation of order before the Collector of the concerned district within a period of 30 days.

8. Should such an appeal be filed before the appellate authority, the authority shall take into account the relevant circulars of the government and shall consider the correctness of the decision of the licensing authority to cancel the license of the petitioner instead of renewing the same for the delay in depositing the renewal fee and shall pass a final order within a further period of 60 days, giving reasons in support of the same.

9. With the aforesaid



observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
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