

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18149 of 2021

Masomat Radha Devi Wife of Kamleshwari Ray, Resident of Village-Tulsipur, P.S.- Muffasil, Begusarai, District - Begusarai.

... .. Petitioner/s

Versus

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

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Labh, Adv
For the Respondent/s : Mr. Arvind Ujjwal (SC-4)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

2 29-04-2022 Without availing statutory remedy of appeal provided under Bihar Targeted Public Distribution System (Control) Order, 2016 ('Control Order' for short), the petitioner has put to challenge an order of the Sub-Divisional Officer-cum-Licensing Authority, Begusarai dated 04.09.2021 whereby the petitioner's licence to run a PDS shop has been cancelled.

We are not inclined to entertain this writ application as the petitioner has approached this Court without availing remedy of appeal.

However, in the facts and circumstances of the case,



this application is disposed of with a liberty to the petitioner to approach the Appellate Authority by preferring an appeal. From the records, it transpires that the petitioner approached this Court by filing writ application soon after the impugned order dated 04.09.2021 was passed. It is accordingly observed that if the appeal is preferred within four weeks from today with an application seeking condonation of delay, the Appellate Authority shall be obliged to decide the petitioner's appeal on merit after condoning the delay in filing of appeal within the period prescribed under the Control Order for disposal of the appeal.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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