

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23397 of 2019

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Dharamnath Sahni, S/o Jogendra Sahni, Resident of Village-Tepari, P.S.-Piar,
District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Collector, Muzaffarpur.
3. The Sub Divisional Officer (East), Muzaffarpur.
4. The Block Supply Officer, Bandara, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari
For the Respondent/s : Mr. Arvind Ujjwal (SC4)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

3 03-08-2022 Though a direction was issued to the State to file

counter affidavit in the matter, but till date, counter affidavit

has not been filed.

However, learned counsel for the State submits

that in the absence of the counter affidavit, he shall rebut

the contentions of the petitioner on the basis of the

materials on record.

It is the contention of the petitioner that his license

has wrongly been cancelled. The inquiry report did not



contain the names of the complaining beneficiaries. The petitioner was also given a very small window to ventilate his cause.

For the aforesaid two reasons, there could be no effective representation.

Apart from this, it has been submitted that whatever grounds were raised by the petitioner, those were not taken into consideration by the Licensing Authority before passing the aforesaid order.

However, on perusal of the order impugned, it appears that the grounds taken by the petitioner has been considered.

Since, there is a provision for appeal, we are not inclined to entertain this petition without the petitioner having exhausted his legal remedies.

We therefore direct that in the event of the petitioner preferring an appeal against order of cancellation of his license within a period of 30 days, the same shall be taken up by the Appellate Authority and after giving reasonable opportunity to the petitioner to represent his



cause, a final order shall be passed within a period of next 60 days with reasons in support of the same.

The order so passed by the Appellate Authority shall be made available to the petitioner forthwith.

With the aforesaid direction/observation, this writ petition stands disposed of.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

skm/ashishkr/-

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