

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21829 of 2019

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Bipin Kumar, S/o Late Ramchandra Prasad, Resident of Village- Tiuri, P.S. -
Manpur, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection
Department, Government of Bihar, Patna.
2. The Collector, Nalanda.
3. The Sub Divisional Officer, Biharsharif.
4. The Additional District Supply Officer, Biharsharif,
5. The Block Supply Officer, Biharsharif.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dhananjaya Nath Tiwari, Advocate
For the Respondent/s	:	Mr. S. Raza Ahmad (AAG-5)
		Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 20-01-2023

Heard Mr. D.N. Tiwari, learned Advocate for the
petitioner and Mr. Alok Ranjan for the State.

Mr. Tiwari submits that the grounds raised by the
petitioner in defence of the charge intimated to him in the
notice has not at all been considered.

In fact, according to Mr. Tiwari, all the
complainants, on whose statements, the proceeding was



initiated against the petitioner, have testified that they have no complaint against the licensee/the petitioner.

It is the contention of Mr. Tiwari that in view of such statements from the beneficiaries, the Licensing Authority was required to ascertain the truth in their statements and only thereafter should have passed the order. That not having been done, the order cannot be sustained in the eyes of law.

We are afraid whether such ground can be entertained by us in the present writ petition when the petitioner has not elected to exhaust his statutory remedy of appeal.

For the afore-noted reason, we do not wish to interfere in the matter but we direct that in case an appeal is filed by the petitioner within a period of thirty days, raising all the issues which have been flagged in the present writ petition, the Appellate Authority shall, after giving reasonable time to the petitioner to represent his cause, decide the issue and pass a reasoned order within next sixty days.

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



With the afore-noted direction/observation, the writ
petition stands disposed of.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	
Transmission Date	

