

Ravindra Kumar Vs. the State of Bihar and ors

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Court : Patna

Decided On : May-12-2012

Appellant : Ravindra Kumar

Respondent : The State of Bihar and ors

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA Civil Writ Jurisdiction Case No.10489 of 2007 Ravindra Kumar, Son of Isha Dass, resident of village Jagdishpur Mohalla Macarahatta Road, Ward no. 5, P.O.Jagdishpur, District Bhojpur .. petitioner Versus 1. The State Of Bihar through the Secretary cum Commissioner Food and civil Supplies Patna, Govt. of Bihar 2. The Sub Divisional Magistrate, Jagdishpur 3. the Distt. Supply Officer, Ara 4. The Block Supply Officer, Jagdishpur, District, Bhojpur 5. The District Manager of District Bhojpur, Ara the Bihar State Food Corporation Ara, Distt. Bhojpur Respondents For the Petitioner : Mr. Braj Mohan Kr. Singh, Advocate For the State : Mrs. Rani Kumar @ Rani Singh, AC to GA 2 For the Respondent: Mr. R.P.Burnaway, Advocate No

2. 12.01.2012 Heard learned counsel for the petitioner and the State. Petitioner seeks direction for revocation of suspension of licence No. 21/1985 issued under the provisions of Bihar Trade Articles (Licenses Unification) Order, 1984 for retail dealership and also that the respondent no. 5, i.e., the District Manager of Bihar State Food Corporation, Ara District Bhojpur be directed to refund the amount of Rs. 3973/- deposited by the petitioner for release of food grain 2 but the same could not be released due to suspension of licence of the petitioner. A counter

affidavit has been filed on behalf of the respondent no. 5 as well as the respondent nos. 2 to 4. A stand has been taken by the State that the suspension of the licence of the petitioner has been revoked and the licence has been renewed by the order dated 7.8.2007 as contained in Annexure A to the counter affidavit and the direction has been made to make allotment. Counter affidavit filed on behalf of the respondent no. 5 discloses that vide letter dated 2.11.2007 a cheque of Rs. 3973/- dated 1.11.2007 issued in the name of the petitioner, namely, Ravindra Kumar, has been sent to the District Supply Officer, Bhojpur so that it could be given to him. However, the petitioner submits that the same has not been received by him and the counter affidavit filed on behalf of the State is also mum on that issue. Accordingly, in view of the fact that suspension of the petitioners licence has already been revoked and the licence has been renewed and also that the allotment has already been made in favour of 3 the petitioner, the petitioners grievance to that effect stands redressed. So far the question of refund is concerned it has been submitted on behalf of the petitioner that the cheque has not been handed over to him. Be that as it may, in case cheque has not been given to the petitioner then let the District Supply Officer, Bhojpur hand over the cheque concern to the petitioner immediately on production of a certified copy of this order and in that case the petitioner would be at liberty to approach the respondent no. 5 for revalidation of the aforesaid cheque within two weeks. In case the concerned cheque is produced for revalidation, the respondent no. 5 shall take immediate steps for revalidation and handover revalidated cheque to the petitioner within three weeks. Accordingly, this writ application stands disposed of. Spd/- (Dr. Ravi Ranjan, J.)

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