

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2551 of 2015

In

Civil Writ Jurisdiction Case No. 15136 of 2013

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Taslim Akhtar, Son of Late Md. Hanif, Resident of Village - Sursand North,
Ward No.2, P.S. Sursand , District - Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
3. The District Magistrate, Sitamarhi, District - Sitamarhi.
4. The Senior Deputy Collector, Sitamarhi, District - Sitamarhi.
5. The Sub-Divisional Officer, Pupri, District -Sitamarhi.
6. The Block Supply Officer, Sursand, District - Sitamarhi.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh

For the Respondent/s : Mr. Aag10 P N Shahi

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL ORDER

3 09-11-2015 Heard learned counsel for the petitioner and the State.

The petitioner seeks modification of order dated 27.08.2015 passed in C.W.J.C. No. 15136 of 2013, as order passed in another has been recorded, which is not controverted by the State.

The order dated 27.08.2015, passed in C.W.J.C. No. 15136 of 2013 is being modified by the following order:

The petitioner challenges the order dated 13.06.2013, passed by the Sub-Divisional Officer, Pupri cancelling his P.D.S. license bearing license no. 81 of 1984.

The petitioner submits that the license has been cancelled without giving a copy of the enquiry report as well as without mentioning the name of the complainant in the show-cause notice. He submits that in absence of the name of the complainant as well as copy of the enquiry report, he was unable to give effective reply. The petitioner as such seeks to set aside the impugned order with a liberty to file a fresh show-cause reply.

The prayer of the petitioner is allowed. The impugned order cancelling the license of the petitioner is set aside. The petitioner would appear before the Sub-Divisional Officer, Pupri, who will direct his office to hand over the copy of the enquiry report. On receipt of copy of enquiry report, the petitioner would file his show-cause reply within two weeks, which would be considered on its own merit.

The order dated 27.08.2015, passed in C.W.J.C. No. 15136 of 2013, is modified to the extent mentioned above.

This application stands allowed.

(Samarendra Pratap Singh, J.)

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