

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24143 of 2013

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Radhey Shyam Thakur, son of Late Gajadhar Prasad Thakur, resident of
Village, P.O & P.S- Bathnaha, District- Sitamarhi, Bihar.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna
2. The Collector cum District Magistrate, Sitamarhi.
3. The Sub- Divisional Officer, Sadar, Sitamarhi.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Suraj Samdarshi

For the Respondent/s : Mr. S. A. Alam

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL ORDER

2 07-09-2015

Heard learned counsel for the petitioner and the State.

The petitioner has assailed the order dated 03.10.2013 issued by Sub-Divisional Officer, Sadar, Sitamarhi by which his P.D.S. license has been cancelled.

A counter affidavit has been filed on behalf of respondents.

The petitioner submits that the show-cause notice does not state that if reply is not satisfactory, the P.D.S. license would be cancelled. The petitioner in support of his submission has relied upon decision in case of Bhola Prasad Yadav Vs. The State of Bihar & Others, reported in 2010(3) PLJR 825.

The petitioner has rightly relied upon the decision in case of Bhola Prasad Yadav (Supra).

In the result, this application succeeds. The impugned order cancelling the P.D.S. license of the petitioner is set aside with liberty to the licensing authority to proceed afresh against the petitioner in accordance with law after giving a fresh show-cause notice.

This application is allowed to the extent mentioned above.

(Samarendra Pratap Singh, J.)

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