

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6792 of 2014

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Ram Naresh Thakur, aged about 50 years, son of Late Ram Bilash Thakur,
Resident of Village - Gijash, P.S. - Saraiya, District - Muzaffarpur.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
3. The District Magistrate, Muzaffarpur.
4. The Sub Divisional Officer, Muzaffarpur (West).
5. The District Supply Officer, Muzaffarpur.
6. The Block Supply Officer, Saraiya, Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha

For the Respondent/s : Mr. Roy Shivaji Nath

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

3 01-10-2015 Heard learned counsel for the petitioner and the respondents.

The petitioner seeks quashing of the order dated 09.08.2012 passed by Sub-Divisional Officer (West), Muzaffarpur by which the P.D.S. license of the petitioner has been cancelled and the order dated 12.04.2013 of the appellate authority, by which the order passed by the Sub-Divisional Officer was affirmed.

The petitioner is a licensee for Public Distribution System within Saraiya block, Muzaffarpur. His license has been cancelled on the ground of closure of his shop on one day, though closure of a shop even on one occasion is also in breach of terms and

conditions of the license, but in view of the Division Bench judgment of this Court in case of Turant Lal Paswan Vs. State of Bihar & Others, reported in 2012 (3) PLJR 583, the same cannot be termed as being grave enough to justify cancellation of license.

The case of the petitioner is fully covered under the aforesaid order.

In the result, this writ application succeeds. The impugned order cancelling the license of the petitioner and affirmed in appeal (Annexures- 3 and 5) are set aside.

This application stands allowed.

(Samarendra Pratap Singh, J.)

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