

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16686 of 2012

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Bindeshwar Prasad, Son Of Late Ram Briksh Prasad,
Resident of Village - Indaut, P.S. - Hilsa, District - Nalanda

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Food & Civil Supply, Old Secretariat, Patna
2. The District Magistrate, Nalanda
3. The Sub Divisional Officer, Hilsa, Nalanda

.... Respondents

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Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Adv.
Mr. Vijay Anand, Adv.
For the State : Mr. Gopal Krishna, Adv.
Mr. Rajendra Prasad, A.C. to S.C. IX

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL JUDGMENT

Date: 06-08-2015

Heard learned counsel for the petitioner and
learned counsel for the respondents.

The petitioner is a P.D.S. dealer bearing
License No. H-20/2007 for Indaut Block, Hilsa. The
petitioner was show caused vide letter dated 15.09.2011
as to why his license be not cancelled as he collected 144
Red Coupons for distribution of rice in the month of July,
2011.

The petitioner filed his detailed reply which is
Annexure-2. It appears that the petitioner earlier moved
before this Court in C.W.J.C. No. 3810 of 2012, which

was disposed of on 03.05.2012 with certain directions to the petitioner. Thereafter the impugned order dated 26.06.2012 was passed. The learned counsel for the petitioner submits that in fact the petitioner had not been given any food grain for the month of July, 2011 and as such, he could not have taken any advantage, even though he had collected coupons from the consumers. He submits that the said fact may be verified and that there is no allegation that he had indulged in black marketing. Furthermore he has been sufficiently punished as he has remained out of business for a long time. As such, the impugned order dated 26.06.2012 is set aside. The petitioner, however, would get benefit of this order only, if 3rd party right has not been created in his place in the meantime.

This application stands disposed of.

(Samarendra Pratap Singh, J.)

Vats/-

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