

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24976 of 2013

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Bijendra Paswan, aged about 48 years, son of Late Lakhan Paswan, resident
of Village - Kaji Bigha, Police Station - Islampur, District - Nalanda
..... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Food and
Consumer Protection, Government of Bihar, Patna
 2. The District Magistrate, Biharsharif, Nalanda
 3. The Sub Divisional Officer, Hilsa, Nalanda
 4. The Block Supply Officer, Biharsharif, Nalanda
- Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha
For the Respondent/s : Mr. Amar Nath Deo

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH**
ORAL ORDER

2 03-09-2015 Heard learned counsel for the petitioner and the State.

The petitioner seeks quashing of the order dated
27.08.2013 passed by the appellate authority affirming the order of
Sub-Divisional Officer, Hilsa, Nalanda cancelling the P.D.S.
license of the petitioner.

A show-cause notice was issued on 04.01.2012.
However, the impugned order dated 02.03.2012 cancelling the
license takes into consideration the allegations appearing in the
enquiry report dated 08.02.2012.

Taking into consideration the enquiry report, which
was subsequent to issuance of the show-cause notice, is not
sustainable in the law.

In the result, the impugned order passed by the Sub-Divisional Officer, Hilsa as well as the appellate authority are set aside.

This application stands allowed.

(Samarendra Pratap Singh, J.)

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