

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17750 of 2013

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Sohan Uraon, Son of Mahavir Uraon, Resident of Village- Ranipur
Neemtal, P.O. and P.S- Phulwarisharif, District- Patna.

.... Petitioner.

Versus

1. The State of Bihar through the Food and Consumer Protection
Department, Old Secretariat, Patna.
2. The District Magistrate and Collector, Patna, District- Patna.
3. The Licensing Authority- Cum- Divisional Officer, Sadar Patna,
District- Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Labh, Advocate

For the Respondent/s : Mr. Manikant Mishra

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

ORAL ORDER

2 17-09-2015

Heard learned counsel for the petitioner and the State.

The petitioner is a P.D.S. dealer within Patna district.

He seeks quashing of the order dated 06.03.2012 passed by the
Sub-Divisional Officer, by which his license has been cancelled,
as well as the order dated 24.07.2013 passed by the District
Magistrate, Patna in Appeal No. 64 of 2012-13.

The petitioner submits that he was not able to file his
show-cause and his license has been cancelled without considering
the show-cause reply.

A counter affidavit has been on behalf of the
respondent nos. 2 and 3. It is submitted that the petitioner did not
file his show-cause reply, despite opportunity granted to him. The

petitioner did not deposit the necessary amount for lifting the food-grains under different schemes. Furthermore, the order of the appellate authority is revisable before the learned Commissioner.

It is relevant to state here that the enquiry report has been annexed as Annexure-A to the counter affidavit filed on behalf of the respondents.

The petitioner, on the other hand, seeks one last opportunity for filing his show-cause reply, so that he can meet the allegations made against him.

In the facts and circumstances, I am inclined to grant one opportunity to the petitioner to file his show-cause before the licensing authority within four weeks from today. In case, the petitioner files his show-cause reply, thereafter the licensing authority would proceed to dispose of the same on its own merit.

In the result, the impugned orders of the two authorities are set aside. There would be no resumption of supply of trade articles.

This application stands disposed of.

(Samarendra Pratap Singh, J.)

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