

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.18381 of 2013**

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1. Arun Kumar Jaiswal Son Of Late Jogendra Bhagat Resident Of Village -  
 Tapua, P.O. Budhuchak, P.S. Ekchari, District - Bhagalpur

.... .... Petitioner/s

Versus

1. The State Of Bihar Through The Secretary Food And Consumer  
 Protection Department, Old Secretariat, Patna  
 2. The Collector, Bhagalpur, District - Bhagalpur  
 3. The Sub - Divisional Officer, Kahalgaun, District - Bhagalpur

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rajeev Kumar Labh

For the Respondent/s : Mr. Shail Kumari

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

3      30-10-2015      The petitioner holds PDS licence within Kahalgaon Sub-  
 Division. As there was allegation against him, his shop was  
 attached to the shop of one Ramchandra Bhagat, another licensee  
 under PDS system. Thereafter show cause notice dated 6.6.2008  
 was issued to the petitioner as to why his licence be not cancelled.

As there was no show cause reply, the petitioner's licence  
 was cancelled vide order dated 11.10.2008. The case of the  
 petitioner is that he did not receive any show cause notice.

On the other hand, the case of the State is that the petitioner  
 has lost interest in running the PDS shop and he is residing in  
 Bombay.

Having regard to the facts of the case, I am inclined to grant

one opportunity to the petitioner to file show cause reply. In case the petitioner files a show cause reply, the same would be considered on its own merit without prejudice, subject to any third party right created in the meantime. The impugned order dated 11.10.2008 passed by the Sub-Divisional Officer, Kahalgaon is set aside.

In the result, this writ application is allowed.

**(Samarendra Pratap Singh, J)**

KHAN/-

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