

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4682 of 2014

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Badri Sah son of Late Bhagirath Sah, resident of Village- Bataulia, Police
Station - Paharpur, District - East Champaran

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food,
Supply and Consumer Protection, Government of Bihar, Patna
2. The Principal Secretary, Department of Food, Supply and Consumer
Protection, Government of Bihar, Patna
3. The District Magistrate, West Champaran, Motihari
4. The Sub-Divisional Officer, Arreraj, East Champaran, Motihari
5. The Block Supply Officer, Arreraj, East Champaran, Motihari

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Anand Kumar Ojha, Advocate

For the Respondent/s : Mr. Kumar Priya Ranjan, SC-23

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL ORDER

2 20-05-2015 Heard the parties.

The petitioner is a licensee under the Public Distribution System (Control) Order, 2001 as enforced vide Fair Price Shop Order, 2007 bearing License No. 39 of 2007. The license of the petitioner has been cancelled vide Memo No. 540 dated 02.12.2013 by the licensing authority-cum-Sub Divisional Officer, Arreraj, District-East Champaran.

The short issue raised by Mr. Anand Kumar Ojha, learned counsel for the petitioner to question the impugned order is with reference to the order of cancellation present at Annexure-1 *inter alia* on grounds that the same has been passed without any notice against proposed cancellation.

Mr. Mithilesh Prasad Singh, Assisting counsel to Standing Counsel No. 23 does concede to the situation as reflecting from the order of cancellation present at Annexure-1 which demonstrates that it is on the basis of recommendation of the Block Supply Officer that the license of the petitioner has been cancelled. Since the order itself is evident of the fact that it rests upon the recommendation of the Block Supply Officer and no show cause notice was issued to the petitioner against the proposed cancellation, hence it is not sustainable and accordingly set aside. The licence of the petitioner is restored. The writ petition is allowed.

S.Sb/-

(Jyoti Saran, J)

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