

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11464 of 2013

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1. Heera Devi W/O Shri Uday Kant Thakur R/O Village- Berma, P.S. Madhepur, Dist.- Madhubani Petitioner

Versus

1. The State Of Bihar, Through The Principal Secretary-Cum-Commissioner, Department Of Food And Consumer Protection, Government Of Bihar, Patna

2. The District Magistrate-Cum-Collector, Madhubani

3. The Sub Divisional Officer, Jhanjharpur, Madhubani

4. The Block Supply Officer, Lakhnaur, Dist.- Madhubani Respondents

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with

Civil Writ Jurisdiction Case No.11580 of 2013

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1. Ashok Kumar Paswan S/O Shri Shivdhari Paswan R/O Village - Bijlipur, P.S. Madhepura, Dist. – Madhubani Petitioner

Versus

1. The State Of Bihar , Through The Principal Secretary-Cum-Commissioner, Department Of Food And Consumer Protection, Government Of Bihar, Patna

2. The District Magistrate-Cum-Collector, Madhubani

3. The Sub Divisional Officer, Jhanjharpur, Madhubani

4. The Block Supply Officer, Lakhnaur, Dist. - Madhubani Respondents

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with

Civil Writ Jurisdiction Case No.11686 of 2013

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1. Ghuran Mochi S/O Shri Kishan Lal Mochi, R/O Village- Berma, P.S.- Madhepur, Dist.- Madhubani Petitioner

Versus

1. The State Of Bihar, Through The Principal Secretary-Cum-Commissioner, Department Of Food And Consumer Protection, Government Of Bihar, Patna

2. The District Magistrate-Cum-Collector, Madhubani

3. The Sub Divisional Officer, Jhanjharpur, Madhubani

4. The Block Supply Officer, Lakhnaur, Dist.- Madhubani Respondents

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Appearance :
(In all the cases)
For the Petitioner/s : Mr. Gautam Kejriwal, Advocate
For the Respondent/s : Mr. AC to AAG 15

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

common, they have been heard together and are being disposed of by this common order.

In all the three writ petitions, the petitioners pray for setting aside the order dated 7.5.2013 passed by the Licensing authority, Jhanjharpur cancelling their license.

It appears that the licensing authority vide show cause notice, dated 2.5.2013, asked all the petitioners to produce the relevant register with respect to distribution of foodgrains under B.P.L. Scheme. Time till 6.5.2013 was granted for filing show cause and for producing relevant records.

It is common case that as 6th May, 2013 was the date fixed for lifting of foodgrains, they could not attend the office of the licensing authority along with their show cause. However, they have filed their show cause on 7.5.2013.

The petitioners submit that the licensing authority, who is common in all the three cases, cancelled their license on 7.5.2013 as the petitioners have failed to produce the relevant register and file their respective show cause reply. The petitioners assert that they did file their show cause reply on 7.5.2013. The petitioners have annexed a copy of their reply at Annexure-3.

Learned counsel for the petitioners submits that as the defence of the petitioners could not be considered, they did not file appeal before the Appellate Authority.

Having considered the facts and circumstances of the case, I am of the considered view that the petitioners be granted one indulgence to represent their case before the authorities concerned. The petitioners are granted three weeks time to file their respective show cause before the licensing authority which would proceed to dispose of the same on its own merit. The impugned order dated 7.5.2013 cancelling their license is set aside.

In the result, these writ applications are allowed.

(Samarendra Pratap Singh, J)

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