

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4289 of 2013

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1. Shambhu Nath Rai, S/O Dhora Rai, resident of village- Modhopur, P.S.- Patori,
District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar,
2. The Collector, Samastipur, &
3. The Sub Divisional Officer, Patori, Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. ABBAS HAIDER, ADVOCATE

For the Respondent/s : Mr. RAJESH KUMAR, G. P. 8

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

ORAL JUDGMENT

Date: 07-08-2015

1. The Petitioner seeks quashing of the order dated 10.05.2010 passed by the Sub Divisional Officer, Patori, Samastipur, cancelling the PDS licence of the Petitioner. The Petitioner further prays for quashing the order of the appellate authority dated 14.12.2012 passed by the Collector, Samastipur, in Misc. Case No. 57 of 2010.

2. A show cause notice was issued to the Petitioner on 11th February, 2010, by the Sub Divisional Officer, Patori, Samastipur, in respect of 84.31 quintals of wheat received by him under APL scheme on 29.07.2009. Second show cause notice was issued to the Petitioner on 05.03.2010 for the same cause. The Petitioner submitted his reply on 06.03.2010 which did not find

favour of the licencing authority and he rejected the explanation and cancelled the licence of the Petitioner.

3. Pursuant to the observation of this court, the Petitioner filed an appeal before the Collector, Samastipur. As there was no representation on behalf of the Petitioner on 6-7 dates between 24.07.2012 to 04.12.2012, the appeal was dismissed for non-prosecution.

4. It is relevant to state here that under similar circumstances licence of other dealers were also cancelled, who had filed appeal along with the Petitioner. Their cases too went without representation and, as such, their appeals were also dismissed by a common impugned order dated 14.12.2012.

5. Being aggrieved, some of the dealers moved this Court in writ jurisdiction vide CWJC No.1948 of 2013 and its analogous cases. Those cases were heard and a Bench of this Court after hearing the parties vide judgment dated 18.05.2015 remanded the matter to the District Magistrate, Samastipur, to pass a fresh order after giving them opportunity of hearing. The Petitioners in those cases were directed to appear before the District Magistrate within three weeks. Thereafter, the District Magistrate was to fix a firm date for hearing and to decide the matter.

6. As the case of this Petitioner is on similar



footing as that of the Petitioner of CWJC No.1948 of 2013 and its analogous cases, this matter is also remanded to the Collector, Samastipur, to pass a fresh order in terms of the judgment dated 18.05.2015 passed in CWJC No.1948 of 2013 and its analogous cases.

7. In the result, the impugned order passed by the appellate authority is hereby set aside and the matter is remanded to the appellate authority for fresh consideration.

(Samarendra Pratap Singh, J)

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