

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23665 of 2013

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Mohan Prasad Sah, S/O Late Harihar Sah, R/O Village - Ahiyari (South), Jalley,
P.S. Jalley, District - Darbhanga

.... Petitioner

Versus

1. The State of Bihar through its Chief Secretary, Bihar, Patna
2. The District Magistrate, Darbhanga
3. Sub - Divisional Officer, Darbhanga
4. Block Supply Officer Town Area, Darbhanga
5. Block Supply Officer Hanuman Nagar Block, Darbhanga

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma, Advocate

For the Respondent/s : Mr. Kumar Sachin, Advocate

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

ORAL JUDGMENT

Date: 09-10-2015

The petitioner holds a PDS licence within Hanuman Block of Darbhanga district. A show cause was served upon him in view of different allegations. The petitioner's case is that he has received the show cause on 19.01.2013. However, he filed a show cause reply on 22.01.2013 but prior to that on 21.01.2013, the Licensing Authority has cancelled his licence. The petitioner submits that he did not get adequate time to represent his case.

Counsel for the State submits that the petitioner has to suffer for his own suit. He should have filed a show cause reply by 21st of January, 2013 or he should have appeared and could have prayed for time as the show cause was received on 19.01.2013.

Having regard to the facts and circumstances, I am giving one chance to the petitioner to explain the case before the Licensing Authority. Accordingly, the order dated 21.01.2013 cancelling the licence and the order in appeal on 23.08.2013 in Case No. 34 of 2013, affirming the said order of cancellation are set aside as the impugned order was passed on technical grounds. There is no resumption till fresh adjudication by the Licensing Authority of the show cause of the petitioner. It would be open for the petitioner to file a fresh copy of the show cause before the Licensing Authority.

This writ application is, accordingly, disposed of.

(Samarendra Pratap Singh, J)

Vats/-

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