

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17100 of 2014

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AADITYA PASWAN, SON OF LATE BABU RAM PASWAN RESIDENT OF
VILLAGE CHAMARDIH POLICE STATION CHANDAUTI DISTRICT GAYA
.... Petitioner

Versus

1. The State of Bihar
2. The Commissioner, Magadh range, Gaya
3. District Magistrate, Gaya
4. The sub divisional officer, Gaya
5. The district marketing officer, Gaya &
6. The Marketing officer, Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra, Advocate

For the Respondent/s : Mr. Sharad Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

4 24-11-2015 The petitioner prays for quashing order dated 8.11.2012, passed by respondent no. 4 as well as order dated 2.9.2013, passed by respondent no.3 in Supply appeal no.25/2012. Petitioner's PDS licence no. 84 of 2007 has been cancelled by these orders on the ground that he did not regularly lifted and supplied PDS items to the consumers as well as failed in replying the show cause.

The petitioner submits that as he was in custody since 20.8.2012 to 29.10.2012 in connection with a criminal case, he could not lift the PDS items during that period and did not file his reply to the show cause issued by respondents in this regard, which fact has also been noticed in the impugned order dated 8.11.2012.

I find substance in the submission of the petitioner.

The writ petition is allowed and the impugned orders dated 8.11.2012 and 2.9.2013 are set aside, subject to third party right created in the meantime.

Respondents are at liberty to proceed in the matter in accordance with law.

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(Samarendra Pratap Singh, J)