

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25517 of 2013

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Shankar Yadav, S/O Late Jagroop Yadav, resident of Village- Dhobiniya,
Naugachiya, Ward No. 9, P.S- Naugachiya, District- Bhagalpur.

.... Petitioner

Versus

1. The State of Bihar through the Joint Secretary, Food and Civil Supply,
Govt. of Bihar, Patna.
2. The District Magistrate, Bhagalpur.
3. The District Supply Officer, Bhagalpur.
4. The Sub Divisional Officer, Naugachiya, District- Bhagalpur.
5. The Block Development Officer, Naugachiya, District- Bhagalpur.
6. The Block Supply Officer, Naugachia, Distict- Bhagalpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh, Advocate

For the Respondent/s : Mr. Kumari Amrita

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

ORAL ORDER

2 10-09-2015

Heard learned counsel for the petitioner and the State.

2. The petitioner is a P.D.S. dealer under Ward No. 9

Nagar Panchayat, Naugachiya in the district of Bhagalpur.

3. The allegation is that the petitioner did not deposit
the Bank draft for more than 10 months.

4. The petitioner submits that his wife had fallen ill
and a lot of money was spent on her treatment, as such he could
not deposit the bank draft for the aforesaid period. He submits that
in similar circumstances, this Court has set aside the order
cancelling the P.D.S. license vide order dated 17.08.2015 passed
in C.W.J.C. No. 2715 of 2014 (Maheshwar Das Vs. the State of
Bihar & Ors.).

5. In the result, this application succeeds. The impugned order passed by the licensing authority is set aside subject to condition that the petitioner must deposit the Bank drafts as may be directed by the licensing authority without any delay. In case, the petitioner fails to deposit the bank draft as directed, the licensing authority would be at liberty to proceed against him in accordance with law.

6. This application stands allowed.

(Samarendra Pratap Singh, J.)

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