

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2737 of 2015

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Mrityunjay Tiwari S/O Shri Jagarnath Tiwari, Resident of Village- Matihani
Madho, P.S.- Mirganj, District- Gopalganj

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna
2. The Commissioner, Saran Division, Chapra
3. The Collector cum District Magistrate, Gopalganj at Gopalganj
4. The District Supply Officer, Gopalganj
5. The Sub Divisional Officer, Hathua, District- Gopalganj
6. The Block Supply Officer, Hathua, District- Gopalganj

.... Respondents

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Appearance :

For the Petitioner : Mr. Praveen Kumar,
Mr. Uday Pratap Singh,
Mr. Amrendra Kumar, Advocates

For the State : Mr. Kumar Kamalnayan, A.C. to S.C. 33

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 12-01-2016 Heard learned counsel for the petitioner and the State.

Petitioner seeks quashing of the order dated 30.12.2014 passed by the Sub-Divisional Officer, Hathua by which his licence no.75/2007 granted for running PDS shop has been cancelled.

It is contended that basis of cancellation is inquiry report of the District Supply Officer, Gopalganj which itself is based upon the complaints of several persons, however, along with the reply to the show cause notice, the affidavits sworn by those

persons in favour of the petitioner were also filed but the Licensing Authority has not considered the same. It is contended that in identical situation, another Single Bench of this Court vide order dated 07.09.2015 passed in C.W.J.C. No.2307 of 2015 had remitted back the matter after setting aside the impugned order for fresh consideration after noticing the statement of the petitioner that all the consumers, who had earlier made complaint, had sworn affidavit denying the allegation against him, which was not considered by the Licensing Authority.

In my view also, the aforesaid affidavits were required to be considered by the authority. Accordingly, the impugned order is set aside. The matter is remitted back for fresh consideration by the Sub-Divisional Officer concerned after ascertaining the facts from the consumers. The petitioner would also furnish the original copies of the affidavits before the Sub-Divisional Officer.

This writ petition stands disposed of.

Sanjay-II/-

(Dr. Ravi Ranjan, J)

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