

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12503 of 2015

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Kapfu Paswan, Son of Sri Balmiki Paswan Resident of Village - Tilhar, Post and P.S. - Khushrupur, District - Patna.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate, Patna, District - Patna.
3. The Sub-Divisional Officer, Patna City, District - Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Labh, Advocate

For the Respondent/s : Mr. Madhukar Mishra, AC to SC-16

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 14-02-2017

The I/c Sub-Divisional Officer, Patna City, Patna is present.

In view of the admitted position that a copy of the report of enquiry was not served upon the petitioner along with the show cause notice and the order impugned dated 29.06.2015 (Annexure-1) is based upon such enquiry, in my view, the said order cannot be sustained in law and, as such, the same is quashed and set aside.

The matter is remitted back to the licensing authority to take a fresh decision in accordance with law. However, before doing that, copies of the reports of enquiry conducted on 27.02.2015 and 9.03.2015 along with copies of the complaint made by the beneficiaries would be served upon the petitioner. Thereafter,



reasonable time would have to be given to him to file a fresh reply. The final decision should be taken by the licensing authority only after consideration of the grounds raised by the petitioner in his reply, if the same is filed within the time granted.

It is expected that the entire exercise would be completed within a period of three months from the date of receipt/production of a copy of this order.

However, it is made clear that if no final order is passed within such period then the licence of the petitioner would automatically stand restored, however, that restoration would be subject to the final order which would be passed by the licensing authority.

The personal appearance of the I/c Sub-Divisional Officer, Patna City is dispensed with.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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