

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5221 of 2017

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1. Ramswarup Paswan Son of Late Khublali Paswan, Resident of village - Tetariya,
Police Station Fatehpur, District - Gaya

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food and
Consumers Protection, Government of Bihar, Patna
2. The District Magistrate, Gaya
3. The Sub - Divisional Officer, Sadar Gaya, District - Gaya
4. The Block Supply Officer, Fatehpur, Distt. - Gaya
5. The Block Development officer, Fatehpur, Distt. Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar
For the State : Mr. Upendra Pratap Singh,
Mr. S. K. Mallick, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 21-07-2017

Heard learned counsel for the petitioner and learned
counsel for the State.

In the present writ petition, petitioner is challenging the
order dated 27.1.2017 passed by the Licensing Authority-cum-
Sub Divisional Officer, Sadar Gaya by which he has cancelled
his licence.

The petitioner is running a PDS shop and Block
Development Officer, Fatehpur (Gaya) vide memo no. 898 dated
19.8.2015 submitted an enquiry report, found certain
irregularities mentioned in the show cause. Short time was



granted to file the show cause. Petitioner could not file the same and just thereafter the authority has passed the order of cancellation of licence.

The order of the Sub Divisional Officer suffers from irregularities on two grounds, as order is completely cryptic, does not deal with the matter inasmuch the enquiry report which is basis of initiation of proceeding has not been served upon the petitioner.

In such view of the matter, the order dated 27.1.2017 is set aside and matter is remanded back to the Sub Divisional Officer, Sadar Gaya with a direction to furnish the enquiry report submitted by the Block Development Officer vide memo no. 898 dated 19.8.2015, in the event the petitioner files the show cause within two weeks after receipt of the enquiry report, that would be taken into consideration by the Sub Divisional Officer, after giving proper hearing decide the matter by a reasoned order.

With the aforesaid observation and direction this writ petition is disposed of.

(Shivaji Pandey, J)

Vinay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.7.2017
Transmission Date	NA

