

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5478 of 2017

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Mani Shankar @ Mani Shankar Singh, S/o Sri Ganesh Prasad, Resident of
Village-Dharampur, P.S.-Daudpur, District-Saran.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Food & Consumer Protection
Department, Bihar, Patna.
2. The District Magistrate-Cum-Collector, Saran at Chapra.
3. The Sub-Divisional Officer, Sadar, Chapra.
4. The Block Supply officer, Manjhi, Chapra.

.... Respondents

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Appearance :

For the Petitioner : Mr. Dhananjaya Nath Tiwari, Advocate.

For the Respondents : Mr. S.Raza Ahmad, AAG-5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 15-01-2018

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

2. The present writ petition has been filed for quashing
of the order contained in Memo No. 212 dated 11.03.2017 passed by
the learned Sub-Divisional Officer, Sadar, Chapra by which the license
of the petitioner to run the public distribution shop being license no.
89/2016 has been cancelled by the learned S.D.O., Chapra on the basis
of the show cause notice which was not served upon the petitioner on
the date of passing impugned order dated 11.03.2017.

3. Learned counsel for the petitioner submits that the
impugned order dated 11.03.2017 (Annexure-2) is unsustainable,
having been passed without prior service of the show cause notice



dated 25.02.2017. A perusal of the said show cause notice (Annexure-2) discloses that the same has been served on 12.03.2017, a day after the impugned order has been passed.

4. Learned counsel for the respondents appears and has been heard. The stand of the petitioner has not been controverted in the counter affidavit filed by the respondents.

5. Having regard to the aforesaid facts and circumstances of the case, the impugned order dated 11.03.2017 (Annexure-2) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Sadar, Chapra to pass a fresh orders after grant of proper opportunity of hearing to the petitioner in accordance with law.

6. The writ petition stands allowed.

(Vikash Jain, J)

Md. Ibrarul/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	19.01.2018
Transmission Date	N.A.

