

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5472 of 2017

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Usha Kunwar, W/o Late Rudal Singh, R/o Village- Babhnaulia, 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. Sanjay Kr.Giri, GP-9

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 22-02-2018

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. 208 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. 125/2016 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-1) 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, as no counter affidavit has been filed till date.

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 petitioner stands allowed.

(Vikash Jain, J)

Md. Ibrarul/-

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

