

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3556 of 2015

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Raj Kishore Prasad Son of Late Shankar Prasad Rai, resident of Gudri Bazar,
Ward no. 21, P.O. Samastipur, P.S. and District- Samastipur.

.... Petitioner

Versus

1. The State of Bihar , through the Principal Secretary, Food and Civil Supplies Department, Government of Bihar, Patna.
2. The Collector, Samastipurat Samastipur.
3. The Sub - Divisional Officer, Samastipur, Sub-Division Samastipur.
4. The Marketing Officer, Danapur Town, Area, Samastipur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Nagendra Kumar, Advocate.

For the Respondents : Mr. Nadeem Seraj, GP-20

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-01-2018

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

2. The present writ petition has been filed for setting
aside the order dated 22.11.2014 passed by the learned Collector,
Samastipur in P.D.S. Licence Cancellation Appeal Case No. 27 of 2014
whereby the learned Collector dismissed the appeal preferred by the
petitioner against the order dated 01.07.2013 passed by the S.D.O.
Samastipur (as contained in memo no. 322 dated 01.07.2013) whereby
he canceled the P.D.S. licence of the petitioner.

3. Learned counsel for the petitioner states that the
impugned order of cancellation has been passed in violation of the
principles of natural justice as he was never served with a notice prior



to passing of the order. It is stated that the petitioner came to know that the notice had been issued on a wrong address mentioning Ward No. 16 whereas the petitioner is a resident of Ward No. 21 and as such the notice was never served upon the petitioner.

4. Learned counsel for the respondents relies on the counter affidavit to submit that the notice was sent to the petitioner timely.

5. Having heard the parties and on a consideration of the materials on record, this Court finds merit in the writ petition. A perusal of the notice dated 15.04.2013 (Annexure-1) discloses that the same has been addressed to the petitioner in Ward No. 16. In the counter affidavit, there is no denial that the petitioner is a resident of Ward No. 21 nor has the categorical stand of the petitioner that the notice has not been served upon him, been denied.

6. In the above circumstances, the impugned orders of cancellation dated 01.07.2013 (Annexure-2) as well as the appellate order dated 22.11.2014 (Annexure-4) are hereby set aside and the matter remanded to the Sub-Divisional Officer, Samastipur (respondent no. 3).

7. The petitioner shall be at liberty to file his reply to the notice dated 15.04.2013 (Annexure-1) within a period of one week from the date of receipt/production of a copy of this judgment, whereafter the Sub-Divisional Officer, Samastipur shall pass fresh



orders after grant of opportunity of hearing to the petitioner in accordance with law.

8. The writ petition stands allowed.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	08.01.2018
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