

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15137 of 2018

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Md. Nasirul Haque, Son of Siekh Rafik, Resident of Village- Belardhe,
Panchayat- Jamua, Block- Bairgania, P.S.- Bairgania, District- Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Food and Consumer Protection Department,
Bihar, Patna.
3. The District Magistrate, Sitamarhi, District- Sitamarhi.
4. The Assistant District Supply Officer, Sitamarhi, District- Sitamarhi.
5. The Additional Collector (Lo. Si. Ni), District- Sitamarhi cum 1st
Appellate Authority, Sitamarhi.
6. The Sub Divisional Officer, Officer, Sitamarhi, District- Sitamarhi.
7. The Block Development Officer, Riga, District- Sitamarhi.
8. The Block Supply Officer, Bargania, District- Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Chandra

For the Respondent/s : Mr. Arvind Ujjwal-Sc4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-09-2018

The present writ petition has been filed for quashing the order dated 25.06.2018 passed by the Sub Divisional Officer, Sitamarhi, Sadar, on the ground that despite the District Magistrate cum appellate authority having passed an order dated 3.2.2018 directing the S.D.O. to get a fresh inquiry conducted and thereafter proceed upon the basis of the fresh inquiry report, however, though the S.D.O., Sitamarhi has asked the Block Supply Officer, Bargania to submit a report, but since the said Block Supply Officer was not submitting the report, the S.D.O., Sitamarhi had proceeded to pass an order dated 25.6.2018 cancelling the license



of the petitioner as a PDS dealer.

The short submission of the learned counsel for the petitioner is that the order passed by the S.D.O. dated 25.6.2018 is in teeth of the order passed by the appellate authority dated 3.2.2018.

I have heard the learned counsel for the parties and admittedly I find that the S.D.O., Sitamarhi has disregarded the order of the appellate authority and on this ground alone, the order dated 25.6.2018 is fit to be set aside and, accordingly, the same is set aside, however, with liberty to the S.D.O., Sitamarhi to proceed in accordance with the direction of the appellate authority dated 3.2.2018 as also in accordance with law.

The writ petition is allowed.

(Mohit Kumar Shah, J)

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