

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.14407 of 2018**

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Dinesh Kumar S/o Late Upendra Narayan Gupta Resident of Village -  
Sattar, P.S. - Bihra, District - Saharsa.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food & Consumer Protection, Government of Bihar, Patna.
2. The Collector, Saharsa.
3. The Sub Divisional Officer, Sadar Saharsa.
4. The Block Development Officer-cum-Incharge Block Supply Officer, Sattarkatiya, Saharsa.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari

For the Respondent/s : Mr. S.Raza Ahmed -Aag5

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      17-09-2018                      The petitioner has sought for quashing the order dated 15.05.2018 passed by the S.D.O. Sadar, Saharsa, whereby and whereunder the PDS licence of the petitioner herein has been cancelled.

The learned counsel for the petitioner has submitted that while giving the show cause notice, no enquiry report was supplied, hence the impugned order is perverse. The learned counsel for the petitioner has further submitted that this Court in several cases has quashed such cancellation orders wherein enquiry report has not been supplied and final order has been passed. The learned counsel relies on a decision of the Coordinate Bench of this Court dated 10.05.2013 passed in C.W.J.C. No.



6388 of 2013 as well as the one dated 01.03.2013 passed in C.W.J.C. No. 17552 of 2011.

In view of the aforesaid, the impugned order dated 15.05.2018, is quashed with liberty to the S.D.O., Sadar Saharsa to proceed further in the matter, in accordance with law.

The present writ petition is allowed.

It will be open to the respondents to approach this Court for recall of the present order in case they find that the enquiry report was supplied to the petitioner herein.

**(Mohit Kumar Shah, J)**

S.Sb/-

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