

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5009 of 2018

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Jagat Bandhu Kumar S/o Late Gajadhar Prasad Resident of Village -
Bhadas, P.S. - Muffasil, District - Khagaria.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary Food & Consumer Protection
Department, Old Secretariate, Patna.
2. The District Magistrate, Khagaria.
3. The Sub - Divisional Officer, Khagaria.
4. The Block Supply Officer, Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

3 17-09-2018 No counter affidavit has been filed by the respondents,

hence, the present case is being heard on merits.

The present writ petition has been filed for quashing the
order dated 08.09.2011 passed by the S.D.O. Khagaria, whereby
and where under the P.D.S. licence granted to the petitioner, has
been cancelled on the ground that the petitioner has failed to file
any reply to the show cause.

The learned counsel for the petitioner has submitted that
firstly, 48 hours notice was given to the petitioner to file his show
cause reply and secondly, the only basis for cancellation of the
licence is lodging of an F.I.R. Reference has been made to a
judgment of this Court reported in 2013(1) PLJR 718, which
squarely covers the present case.

In view of the aforesaid, the order dated 08.09.2011



passed by the S.D.O., Khagaria, is quashed with liberty to S.D.O.,
Khagaria to proceed further, in accordance with law.

The present writ petition is allowed.

(Mohit Kumar Shah, J)

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