

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13769 of 2018

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Chhatu Saw, S/o Kashi Saw, Resident of Village- Dumari, P.S.- Punpun,
District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food & Consumer Protection, Government of Bihar, Patna.
2. The Collector, Patna.
3. The Sub Divisional Officer, Masaurhi, Patna.
4. The Block Supply Officer, Masaurhi, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari

For the Respondent/s : Mr. S. Raza Ahmad, AAG-5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 17-09-2018 The petitioner has sought for quashing of the order dated 11.06.2018 passed by the S.D.O. Masaurhi, 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. Reference in this connection be had to a judgment reported in 2013(2) PLJR 637.

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 11.06.2018 passed by the S.D.O., Masaurhi, Patna is quashed with liberty to the S.D.O. to proceed further in the matter, in accordance with law.

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.

The present writ petition is allowed.

(Mohit Kumar Shah, J)

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