

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.114 of 2018

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Ram Chandra Prasad Yadav S/o Late Shivsahay Yadav, Resident of Village -
Tola Charka Pather, P.S. - Fatehpur, District - Gaya.

.... Petitioner

Versus

1. The State of Bihar through Secretary Food & Consumer Protection
Department, Old Secretariate, Patna.
2. The District Magistrate, Gaya.
3. The S.D.O Sadar Gaya.
4. The Block Supply Officer, Fatehpur, Gaya.

.... Respondents

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Appearance :

For the Petitioner : Mr. Vijay Anand, Advocate.

For the Respondents : Mr. S. Raza Ahmad, AAG-5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 25-01-2018

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

2. The present writ petition has been filed for challenging the order dated 10.11.2017 passed by the Sub-Divisional Officer, Sadar Gaya as contained in Memo No. 736/Go (AA) whereby and whereunder the license granted to the petitioner being license no. 31/16 (New) 46/07 (old) for carrying out the business of PDS shop within the Panchayat Jaipur Block Fatehpur, District-Gaya was cancelled.

3. It is submitted that while a show cause notice had been issued in respect of the earlier inspection conducted on 08.06.2017, no show cause notice has been issued in respect of the later inspection conducted on 16.10.2017 which has been relied upon by the Sub-Divisional Officer, Sadar Gaya while passing the impugned order dated 10.11.2017 (Annexure-1).

4. This Court however takes note of the statement made in paragraph-20 of the writ petition which is as follows:



“20. That from perusal of the show cause notice 28.10.2017 it appears that the allegation are vague and nature.

5. From the above, it is clear that the petitioner has challenged the allegation as vague in nature on perusal of the show cause notice dated 28.10.2017 and hence it prima facie appears that the show cause notice dated 28.10.2017 pursuant to the subsequent inspection held on 16.10.2017 was made available to the petitioner as he claims to have perused the same.

6. In the above circumstances, this Court is not inclined to interfere in the matter. The writ petition stands dismissed with liberty to the petitioner to prefer the statutory appeal in terms of Rule 32 of the Bihar Targeted PDS (Control) Order, 2016.

7. It is made clear that in case such an appeal is filed, the concerned authority would have regard to the present proceeding being pursued by the petitioner, while considering any issue relating to condonation of delay, if applicable.

(Vikash Jain, J)

Md. Ibrarul /Chandran

AFR/NAFR	NAFR
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