

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13461 of 2018

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Nilmani the Member Of Action Committee Kari P A C S, Son of Sri Sudhir Kumar, resident of Village- Sowa, Police Station- Wazirganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of food and Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The District Supply Officer, Gaya.
4. The Sub-Divisional Officer, Sadar Gaya.
5. The Block Supply Officer, Wazirganj, Dist.- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate
For the Respondent/s : Mr. Arvind Ujjwal- SC4

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT

Date : 02-08-2018

Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the State.

Petitioner challenges the order dated 28.12.2007 passed by the Sub Divisional Officer, Sadar, Gaya as contained in Annexure-3 by which his licence being licence no. 05/2011 (67/2016 new) has been cancelled finding certain irregularities and illegalities in regulation of the licence.

Learned counsel for the petitioner challenges the cancellation order on the ground that on surprise inspection on 10.09.2017, the petitioner was asked to show cause by letter dated 18.09.2017, Annexure-2 to reply against certain irregularities found in the storage, distribution of PDS grains and other



commodities within three days. Thereafter, cancellation order Annexure-3 has been passed. He submits that the issue is no longer res integra as this Court in the case of Gano Bhuiyan @ Gano Manjhi Vs. The State of Bihar and Ors., passed in CWJC No. 9842 of 2018 dated 10.07.2018 relying on the decision of this Court in the case of Smt. Fulpati Devi Vs. The State of Bihar since reported in 2013 (1) PLJR 718 has held that three days time to reply to the show cause was clearly insufficient.

In view of the above, impugned order dated 28.12.2017, Annexure-3 is set aside and the matter is remanded to the Sub Divisional officer, Sadar, Gaya, Respondent No. 4, to take a fresh decision in the matter in accordance with law after granting reasonable opportunity of hearing to the petitioner.

Supplies to be restored forthwith until fresh order is passed by the licensing authority.

Writ application is allowed.

(Nilu Agrawal, J)

Arjun/Pragya

AFR/NAFR	NAFR
CAV DATE	NA
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