

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21074 of 2018

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Shital Prasad Ray, Son of Late Moti Lal Ray, Resident of -Ward No.23,
Hospital Road, Near Pani Tanki. P.S.-Hajipur, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The Collector, Vaishali, District-Vaishali.
3. The Sub-Divisional Officer, Hajipur, District-Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Labh, Advocate
For the Respondent/s : Mr. S. Raza Ahmad- AAG-5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 27-11-2018

The present writ petition has been filed for quashing the order dated 17.09.2018 passed by the Sub Divisional Officer, Hajipur whereby and where under the license of the petitioner's Fair Price Shop has been cancelled.

The learned counsel for the petitioner has raised two short grounds for assailing the impugned action, one that the shop of the petitioner was found closed on the day of inspection and on such basis the license has been cancelled which is not such a grave violation that would entail cancellation of license and the other that in the show cause notice, the proposed punishment of cancellation of license has not been mentioned, hence there is a breach of the principle of natural justice. The learned counsel for the petitioner has relied upon a judgment rendered by the learned Division Bench in the case of Turant Lal Paswan vs. The State of Bihar and others, reported in 2012(3) PLJR 583 wherein the learned Division Bench has observed that closure of shop on the day of inspection does not warrant severe punishment of cancellation of license.



The learned counsel appearing for the respondents does not dispute the position in law.

Having regard to the facts and circumstances of the case and for the reasons mentioned herein above, the writ petition is allowed and the impugned order dated 17.09.2018 passed by the Sub Divisional Officer, Hajipur is quashed. It is needless to state that in case, the Sub Divisional Officer, Hajipur decides to proceed afresh in the matter, he would be free to do so.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

