

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24018 of 2018

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Nageshwar Sah, s/o late Mahanth Sah, r/o vill-Simra, PS-Dumra, Dist-Sitamarhi

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Department of Food & Consumer Protection, Government of Bihar, Patna
2. The Collector, Sitamarhi
3. The Sub-Divisional Officer, Sadar, Sitamarhi
4. The Block Supply Officer, Dumra, Dist-Sitamarhi

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari
For the Respondent/s : Mr. S. Raza Ahmad- Aag5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 19-12-2018

The present writ petition has been filed for quashing the order dated 04.12.2018 passed by the S.D.O. Sadar, Sitamarhi, whereby and whereunder the licence of the P.D.S. shop of the petitioner has been cancelled.

The learned counsel for the petitioner has raised a short ground for consideration to the effect that the show cause notice dated 26.11.2018 does not contain the proposed punishment of cancellation of the P.D.S. licence of the shop of the petitioner, hence the impugned order dated 04.12.2018 is in teeth of Rule 27 (II) of the Bihar Targeted P.D.S. (Control) Order, 2016.

The learned counsel for the respondents does not dispute the position as is existing under the law.



3. Having regard to the facts and circumstances of the case, this Court finds that the impugned order dated 04.12.2018 has been passed in contravention of Rule 27(II) of the Bihar Targeted P.D.S. (Control) Order, 2016, hence the impugned order dated 04.12.2018 passed by the S.D.O. Sadar Sitamarhi is quashed.
4. The writ petition is allowed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.12.2018
Transmission Date	NA

