

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.496 of 2019

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Kanhaya Lal Das, son of Late Tej Narayan Das, Resident of Village-Madhepur Panchayat Madhepur (West), Block-Madhepur, P.S. Madhepur, District-Madhubani.

... .. Petitioner/s

Versus

- 1.The State Of Bihar through the Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
- 2.The District Magistrate-cum-Collector, Madhubani.
- 3.The Sub-Divisional Officer, Jhanjharpur.
- 4.The Block Supply Officer, Madhepur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Akash Chaturvedi
For the Respondent/s	:	Mr.Arvind Ujjwal- SC4

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-02-2019 Heard learned counsel for the petitioner and learned counsel representing the State.

Learned counsel for both the parties are unanimous to the extent that the identical nature of order has been quashed by this Court vide order dated 06.02.2019 passed in C.W.J.C. No.1632 of 2019.

This Court once again finds that in the present case also the Sub-Divisional Officer has simply taken note of the reply to the show cause filed on behalf of the petitioner but has failed to consider the same. On account of non-consideration of the reply submitted by the petitioner, the impugned order becomes bad in law and is liable to be set-aside.



The impugned order as contained in Annexure 4 to the writ application is, therefore, set-aside. The matter is remitted to the Sub-Divisional Officer, Jhanjharpur (respondent no.3) who is directed to proceed afresh, consider the reply of the petitioner and pass an appropriate order complying the principles of natural justice.

The whole exercise shall be completed by the respondent no.3 within a period of 60 days from the date of receipt/production of a copy of this order.

Learned counsel for the petitioner submits that prior to cancellation of his license no order of suspension of license was passed by the Sub-Divisional Officer. If it is so, by virtue of setting aside of the impugned order, now the petitioner will be entitled for restoration of his license and resumption of supply subject to final order which would be passed by the Sub-Divisional Officer, Jhanjharpur.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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