

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1567 of 2019

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Ram Nagina Prasad @ Ram Nagina Barnwal, son of Lalbachan Barnwal @ Lal Bachan Sah, Resident of Village- Bishunpura, P.S. and District-Deoria, Uttarpradesh, Presently residing at Village- Sabeya, P.O. Jagdishpur, BlockVijaipur, P.S. Vijaipur, Distt. Gopalganj.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna
2. The Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna
3. The Collector-Cum- District Magistrate, Gopalganj.
4. The Senior Deputy Collector, Gopalganj.
5. The District Supply Officer, Gopalganj.
6. The Sub-Divisional Officer, Hathua, Distt. Gopalganj.
7. The Block Supply officer, Vijaipur, Distt. Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey No.5
For the Respondent/s : Mr.Arvind Ujjwal (SC4)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 04-02-2019 Heard learned counsel for the petitioner as well as

learned counsel representing the State.

The parties agree that the pleadings in the present writ application are the same as that of the case of Phulmati Devi Vs. The State of Bihar (CWJC No.1394 of 2019) disposed off by this Court on 25.01.2019. The operative part of the order in the said case reads as under:-

“On perusal of the impugned order, as contained in Annexure-7, this Court is satisfied that even though the Sub-Divisional Officer has taken note of the contentions of



the petitioner as disclosed in his reply to the show cause notice, he has not considered those replies and as such this Court is of the considered opinion that the impugned order is liable to be set aside.

In result, the impugned order, as contained in Annexure-7 is set aside. The matter is remitted to the Sub-Divisional Officer, Hathua (respondent no.6) for fresh consideration and to pass a speaking order after giving an opportunity of hearing to the petitioner. Let the whole exercise be completed within a period of three months from the date of receipt/production of a copy of this order.

In case, the licensing authority is satisfied with the reply of the petitioner, the consquential benefits shall also be granted to the petitioner.”

The reasoning and rationale provided in the said order in the case of Phulmati Devi (supra) shall also be applicable in the facts and circumstances of the present case. The impugned order (Annexure-5) is thus set aside. The matter is remitted to the Sub-Divisional Officer, Hathua (respondent no.6) for fresh consideration and to pass a speaking order after giving an opportunity of hearing to the petitioner. The whole exercise



shall be completed within a period of three months from the date of receipt/production of a copy of this order.

In case, the licensing authority is satisfied with the reply of the petitioner, the consquential benefits shall also be granted to the petitioner.

This writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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