

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1632 of 2019

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Phulo Devi wife of Balram Mandal R/O- Village- Bheja, Block- Madhepur,
P.s. Bheja, Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar 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

... .. Respondents

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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 06-02-2019 This writ application has been preferred for setting

aside the order dated 10.12.2018 issued vide Memo No. 550

passed by the Sub-Divisional Officer, Jhanjharpur whereby the

license issued to the petitioner under the Public Distribution

System has been cancelled.

Learned counsel for the petitioner submits that even
though he is aware of the statutory provision of appeal against
the impugned order, the petitioner has moved this court finding
that the impugned order, as contained in Annexure-4, has been
passed without application of judicious mind to the reply
submitted by the petitioner before the Sub-Divisional Officer,
Jhanjharpur (respondent no. 3).

Attention of this court has been drawn towards the



impugned order wherein the allegations against the petitioner have been taken note of, then there is a reference of an enquiry conducted against him and the impugned order further takes note of show cause notice issued to the petitioner and receipt of reply thereto but what is surprising is that after taking note of the fact that the petitioner has submitted his reply on 29.11.2018, the Sub-Divisional Officer has held in one line that on perusal of the said reply he is of the view that the same is baseless, concocted and unsatisfactory.

Learned counsel for the State is present and submits that in the facts and circumstances of the case, in the nature of the order contained in Annexure-4, the Sub-Divisional Officer, Jhanjharpur may be directed to pass a fresh order after considering the reply of the petitioner.

In the given facts and circumstances, this court finds that the impugned order, as contained in Annexure-4, is not sustainable in law. The impugned order does not show application of a judicious mind towards reply of the petitioner. Hence, the order is 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 with 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.

This application is disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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