

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1877 of 2019

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Mira Devi, Gender-Female, Aged about 56 years, W/o Yogendra jha,
R/O village -Ughara P.S Bahadurpur District Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The Collector, Darbhanga, District Darbhanga, Bihar
3. The Licensing Authority-cum-Sub Divisional Officer, Sadar, Darbhanga District Darbhanga.
4. The Block Supply Officer, Bahadurpur District Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajeev Kumar Labh
For the Respondent/s	:	Mr.Arvind Ujjwal (Sc4)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 20-02-2019 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner is aggrieved by an order as contained in
Memo No.856 dated 10.12.2018 issued under the signature of
the Licensing Authority-cum-Sub Divisional Officer, Sadar,
Darbhanga as contained in Annexure '1' to the writ application.
By the impugned order the licence of the petitioner for Public
Distribution Shop has been cancelled.

Learned counsel for the petitioner submits that this
writ application is fit to be allowed on the solitary ground that a
bare perusal of the impugned order would show that the



Licensing Authority has not at all considered the reply of the petitioner which was submitted pursuant to the show cause notice.

Learned counsel for the State submits that in the given facts and circumstance, as the impugned order does not show consideration to the reply of the show cause, the Licensing Authority may be directed to take a fresh view and pass an appropriate order.

In the given facts and circumstances of the case, leaving the other arguments of the petitioner open to be taken before the Licensing Authority, this Court deems it just and proper to set-aside the impugned order as contained in Annexure '1'. It is, accordingly, set-aside. The matter is remitted to the Licensing Authority-cum-Sub Divisional Officer, Sadar, Darbhanga who will now consider the reply of the petitioner, examine all her contentions and then pass a reasoned order thereon within a period of 90 days from the date of receipt/production of a copy of this order.

Since, the license of the petitioner has been cancelled without considering her reply, the said license shall be restored forthwith with all consequential benefits which will be subject to the final decision.



The application stands disposed of, accordingly.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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