

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.166 of 2019

Nanju Kumar Son of Heeraman, Resident of Sukulwan Khurd, P.S.- Thawe,
District- Gopalganj, Operator, PACS Indrwa Ebadullah, Block- Thawe,
District- Gopalganj.

... .. Petitioner

Versus

1. The State of Bihar through the District Magistrate, Gopalganj.
2. The Sub Divisional Officer, Gopalganj.
3. The District Supply Officer, Gopalganj.
4. The District Magistrate, Gopalganj.
5. The Block Development Officer-cum-Block Supply Officer, Thawe,
Gopalganj.

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Srivastava
For the Respondent/s : Mr.Arvind Ujjwal -SC4

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 13-02-2019 Heard learned counsel for the petitioner and learned
counsel representing the State.

Learned counsel for the petitioner submits that Public
Distribution Shop of the petitioner situated at PACS Indarwa
Abedullah, Block – Thawe, District – Gopalganj has been sealed
without giving any notice to the petitioner. It is submitted that in
this regard he has made representation to the respondents on
30.10.2018, as contained in Annexure-4 to the writ application,
but the same is not being considered and no decision has been
taken despite lapse of three months.

Learned counsel for the State submits that in the given
facts and circumstances of the case, the Sub-Divisional Officer,
Gopalganj may be directed to consider and dispose of the



representation as contained in Annexure-4.

Having heard learned counsel for the parties, this court is of the considered opinion that in case the Shop of the petitioner has been sealed without giving any notice to him or an opportunity to show cause, as to any illegality or irregularity which might have been committed by the petitioner, the action of the State respondents in sealing of the premises without any notice may be held to be violative of the principles of natural justice, but instead of keeping the Writ Application pending and looking for a counter affidavit at this stage, this court is disposing of the writ application with a direction to the Sub-Divisional Officer, Gopalganj who shall pass a reasoned order on the representation of the petitioner, which has already been forwarded to him by the Block Supply Officer, Thawe, Gopalganj vide Memo No. 125 dated 20.11.2018. Such decision shall be taken within a period of 30 days from the date of receipt/production of a copy of this order.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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