

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2090 of 2019

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Premchand Chaudhary, aged about 55 years, Male, s/o Kamlakant Choudhary,
Resident of Village-Vhirahar,P.S. Goghardiha, Dist.-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary,Department of Food and Consumer Protection,Govt. of Bihar,Patna.
2. The Collector, Madhubani.
3. The Sub-Divisional Officer, Phulparas,Madhubani.
4. The Block Supply Officer, Loukahi,Dist.-Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Vijay Anand, Adv. Ms. Preety Kunwar, Adv.
For the Respondent/s	:	Mr.S. Raza Ahmad, AAG 5. Md. Anisul Haque, AC to AAG 5.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-04-2019 Learned counsel for the petitioner submits that this case is covered by the order dated 30.01.2019 passed by this Court in CWJC No.1503 of 2019.

The petitioner in this case has challenged the order as contained in Memo No.404 dated 20.11.2018 passed by the Sub-Divisional Officer, Phulparas by which the licence of the petitioner for the fair price shop has been cancelled.

Learned counsel for the petitioner submits that the impugned order has been passed by the Sub-Divisional Officer, Phulparas by taking into consideration the comments of the Assistant District Supply Officer, Phulparas. It is virtually the



reiteration of the views of the Assistant District Supply Officer and not an independent exercise of mind by the Sub-Divisional Officer, Phulparas who is the competent authority to consider the reply of the petitioner.

Learned counsel has pointed out that Annexure '2' to the writ application is the reply of the petitioner which has not at all been considered by the Sub-Divisional Officer, Phulparas. It is submitted that in similar circumstance, the impugned order in CWJC No.1503 of 2019 was quashed by this Court, the matter was remitted to the Sub-Divisional Officer, Phulparas to consider the reply of the petitioner and pass fresh order.

Learned counsel for the State submits that there is a provision of statutory appeal against the impugned order, however, after going through the materials available on the record and the order dated 30.01.2019 passed in CWJC No.1503 of 2019, this Court is convinced that the present writ application is fully covered by the order dated 30.01.2019 passed earlier by this Court in CWJC No.1503 of 2019. The impugned order is, thus, quashed.

The Sub-Divisional Officer, Phulparas (Respondent No.3) is directed to consider the reply of the petitioner afresh and pass a reasoned order after applying his independent



judicious mind. He will give an appropriate opportunity to the petitioner to submit any further material if so required within a period of 15 days from today. Let the whole exercise be completed by the Sub-Divisional Officer, Phulparas within a period of 90 days from the date of receipt/production of a copy of this order.

The writ application is allowed to the extent indicated hereinabove.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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