

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2274 of 2019

Arbind Kumar Mishra, aged about 62 years Male, son of Late Dayanidhi Mishra Resident of village-Deorath,P.S. Goghardiha,Dist.Madhubani
... .. Petitioner

Versus

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

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate
Mr. Dhananjaya Nath Tiwari, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (SC4)

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-04-2019 Heard learned senior counsel for the petitioner and
learned counsel representing the State.

Petitioner in this case is challenging the order contained in Memo no. 408 dated 20.11.2018 passed by the Sub-Divisional Officer, Phulparas by which the PDS license of the petitioner being License No. 27/2007 has been cancelled.

At the outset learned senior counsel for the petitioner has placed before this court a copy of the order passed in CWJC No. 1503/2019 and CWJC No. 2090/2019 wherein similar orders passed by the Sub-Divisional Officer, Phulparas came to be challenged before this court.

Learned counsel for the State is present and admits to



the extent that this case would be covered by the orders of this court passed in the aforesaid two cases.

On going through the contents of the impugned order it is evident that the order is fit to be set aside on the ground of non-consideration of the reply of the petitioner and at the same time the orders seem to be influenced by the statement made by the Minister, Department of Food and Civil Supplies Corporation, Government of Bihar. The impugned order is, thus, set aside and the matter is remitted to the Sub-Divisional Officer, Phulparas, Madhubani (Respondent No. 3) who will now consider the reply of the petitioner afresh and after application of his judicious mind will pass a reasoned order thereon. The petitioner will be at liberty to submit his written submissions, if so desire, within a period of 15 days from today.

The respondent no. 3 shall complete the whole exercise within a maximum period of 90 days from the date of receipt/production of a copy of this order.

This writ application is disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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