

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24415 of 2018

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Arjun Ram, Son of Prayag Ram, Resident of Shripur Kahen, P.S.
Jagdishpur District Bhojpur.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Divisional Commissioner, Bhojpur, Ara.
2. The Divisional Commissioner, Ara
3. The District Magistrate, Bhojpur, Ara
4. The Sub Divisional Officer, Jagdishpur, Bhojpur Ara
5. The District Supply Officer, Bhojpur Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Mishra
For the Respondent/s : Mr.Arvind Ujjwal -Sc4

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 05-02-2019 Petitioner is aggrieved by the order dated 22.11.2018 as contained in Annexure '2' to the present writ application by which the Sub-Divisional Officer, Jagdishpur has cancelled the license of the petitioner of his Public Distribution Shop.

Learned counsel for the petitioner submits that Annexure '1' to the writ application is the show cause notice from which it will appear that no proposal towards cancellation of license was given in the show cause and as such the Sub-Divisional Officer was not acting in accordance with law in canceling the license of the petitioner without complying Rule 27 of the Control Order, 2016. Learned counsel has placed



reliance on the order dated 29.01.2019 passed by this Court in C.W.J.C. No. 1136 of 2019 in similar circumstance.

Learned counsel for the State is present, though he has opposed the writ application but on facts appearing from the records he could not demonstrate that prior to passing of the cancellation order any show cause proposing cancellation was ever served on the petitioner.

In the aforesaid facts and circumstances of the case, this Court finds that the submission of learned counsel for the petitioner has got much force. This Court has considered this aspect of the matter in the order dated 29.01.2019 passed in C.W.J.C. No. 1136 of 2019. Since the impugned order has been passed without complying the provision of Clause (II) of Rule 27 of the Control Order, 2016, the same is hereby set-aside. The Sub-Divisional Officer, Jagdishpur will be at liberty to take further steps in accordance with law, if so, desired.

The Sub-Divisional Officer, Jagdishpur shall pass an appropriate order with regard to the supplies to be given to the petitioner until decision is taken on the show cause issued to the petitioner and subject to the order which may be passed subsequent thereto.

The application is allowed to the extent indicated



hereinabove.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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