

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3407 of 2019

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Rajo Devi aged about 53 years (Female), W/o - Bindeshwar Paswan resident of Village- Ranti, P.S- Rajnagar, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna
2. The Collector, Madhubani Bihar
3. The Sub Divisional officer, sadar, Madhubani Bihar
4. The Block Supply Officer, Rajnagar, District- Madhubani Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Dhananjaya Nath Tiwari, Advocate Ms. Preety Kunwar, Advocate
For the Respondent/s	:	Mr.Arvind Ujjwal (Sc4)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 01-07-2019 Petitioner in the present case is aggrieved by order contained in Memo No. 1118 dated 19.12.2018 passed by the Sub-Divisional Officer, Sadar Madhubani by which the Public Distribution System Shop License of the petitioner has been cancelled.

Learned counsel for the petitioner has drawn the attention of this court towards the impugned order as contained in Annexure '4' to the Writ Application. It is submitted that the rejection of the show cause and the affidavits of the consumers stating that it differs with the complaint made by the consumers before the Minister, Food & Civil Supplies, therefore it cannot be accepted, is wholly illegal, arbitrary and bad in law.



It is submitted that once the petitioner has submitted his show cause and affidavits of the consumers it was incumbent upon the Sub-Divisional Officer to make a proper inquiry which has not been done and he has simply rejected those affidavits stating that it cannot be accepted.

It is further submitted that the Sub-Divisional Officer seems to have been influenced from the fact that the allegations were made during the public meeting of the Minister.

It is also pointed out that identical matters in CWJC No. 2713/2019 has been disposed of on 17.06.2019 by setting aside the impugned order remitting the matter back to the Sub-Divisional Officer, Sadar Madhubani to take an independent view of the matter without being influenced by the fact that the allegations were made in presence of the Minister.

Learned counsel for the State submits that this case seems to be similar to CWJC No. 2713/2019, therefore similar order may be passed remitting the matter to the Sub-Divisional Officer, Sadar Madhubani for a fresh consideration.

In the given facts and circumstances of the case, finding the similarity between the present case and that of CWJC No. 2713/2019, this court hereby sets aside the impugned order as contained in Memo No. 1118 dated



19.12.2018 passed by the Sub-Divisional Officer, Sadar Madhubani and remits the matter back to him for fresh consideration in the manner provided in the order dated 17.06.2019 passed by this court in CWJC No. 2713/2019. The whole exercise must be completed within a period of three months from the date of receipt/production of a copy of this order.

This Writ Application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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