

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1955 of 2019

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Vijay Kumar, Son of Raghunandan Prasad, R/o Vill- Khiriyawan, Village Panchayat Khiriyawan, P.S. Bodh Gaya. Distt. Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Consumers Protection, Govt. of Bihar, Patna
2. The District Magistrate, Gaya.
3. The Sub Divisional Officer, Sadar Gaya.
4. The Block Supply Officer, Town Block, Distt. Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar
For the Respondent/s : Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-02-2019 Heard learned counsel for the petitioner and learned counsel representing the State.

Learned counsel for the petitioner submits that the impugned order passed by the Sub-Divisional Officer, Sadar Gaya has been passed on the direction of the District Magistrate, Gaya who is appellate authority under the Bihar Targeted P.D.S. (Control) Order, 2016. It is submitted that because on the direction of the District Magistrate, Gaya vide letter as contained in Annexure-3, the Sub-Divisional Officer issued a show cause notice giving only three days time to submit his explanation, petitioner though submitted his explanation but then it was rejected by saying that it contains only the baseless



story and the petitioner had never produced his cash-memos and other registers. Learned counsel submits that the petitioner was never called upon to produce the cash-memos and other registers. It is the submission that the impugned order as contained in Annexure-2 has been passed in haste on the direction of the District Magistrate, Gaya.

Even though no counter affidavit has been filed by the State, but in the given facts and circumstances of the case, considering the letter dated 15.07.2018 issued by the District Magistrate, Gaya (Annexure-3), this Court is of the opinion that the appellate authority under the Control Order, 2016 could not have issued any direction fixing one month time to take action against the petitioner. The Sub-Divisional Officer, Sadar Gaya seems to have acted in haste in passing the impugned order. The show cause letter as contained in Annexure-1 contains no direction to the petitioner to produce cash-memos and other registers, therefore, if the S.D.O. was of the view that the said documents are required, he should have given one opportunity to the petitioner to produce the same.

In result, the impugned order dated 18.12.2018, as contained in Annexure-2, is held bad in law and is accordingly set aside.



The Sub-Divisional Officer, Sadar Gaya is directed to consider the whole matter afresh after giving an appropriate opportunity of hearing to the petitioner. Let the whole exercise be completed within a period of 90 days from the date of receipt/production of a copy of this order. Since the impugned order has been passed by the Sub-Divisional Officer in haste and it has been found to be bad in law, pursuant to the quashing of the said order, the licence of the petitioner shall be restored and supply shall also be provided subject to final decision of the Sub-Divisional Officer, Sadar Gaya.

(Rajeev Ranjan Prasad, J)

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