

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2848 of 2019

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Prem Singh, aged about 62 years (Male), Son of Mung Lal Singh Resident of Village- Ajda Sikaria, P.S. Paliganj, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate, Patna
3. The Sub Divisional Officer, Paliganj.
4. The Block Development Officer, Paliganj, Patna

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Anujit Sinha
For the Respondent/s : Mr. S. Raza Ahmad (Aag5)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-06-2019 Petitioner in this case is aggrieved by order dated 06.12.2018 contained in Memo No. 546 (Annexure '3' to the writ application) by which the Public Distribution System Shop license of the petitioner has been cancelled by the Sub-Divisional Officer, Paliganj, District – Patna.

The impugned order has been assailed on a short ground saying on mere perusal of the impugned order would show that the Sub-Divisional Officer, has not at all considered and dealt with the show cause submitted by the petitioner. It is pointed out that the impugned order simply takes note of the stand of the petitioner in his show cause, but thereafter, the show cause has been rejected saying that it is fabricated and dissatisfactory. Learned counsel submits that the Sub-Divisional



Officer, Paliganj was obliged to look into the show cause, consider the same and only after dealing with the stand of the petitioner an appropriate order could have been passed which has not been done in the present case.

Learned counsel for the State submits that in the given facts and circumstances of the case the matter may be remitted to the Sub-Divisional Officer, Paliganj, District – Patna for fresh consideration in accordance with law.

In the given facts and circumstances of the case, the impugned order as contained in Memo No. 546 dated 06.12.2018 is hereby quashed. The Sub-Divisional Officer, Paliganj (Patna) (respondent no. 3) is hereby directed to consider the whole matter afresh on the basis of the materials available on the record. The ground set-forth by the petitioner in his show cause shall be duly considered with reference to the materials which may be produced by him. The whole exercise shall 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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