

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.546 of 2019

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Vibha Devi W/o Jitendra Kumar Singh, Resident of Village- Masadihi, P.S.-
Gaurichak, District- Patna. Petitioner

Versus

1. The State Of Bihar through the Secretary, Food & Consumer Protection
Department, Old Secretariat, Patna
2. The S.D.O., Patna City.
3. The A.D.S.O., Patna City.
4. The Block Supply Officer, Fatuha, Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Vijay Anand, Advocate
For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC 4

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 19-02-2019 Heard learned counsel for the petitioner and learned
counsel representing the State.

Petitioner is aggrieved by the order as contained in Memo No.
853 dated 29.09.2018 passed by Sub-Divisional Officer, Patna City
whereby the license of the petitioner for public distribution shop has
been cancelled with immediate effect.

Learned counsel for the petitioner submits that a perusal of
the impugned order (Annexure-7) would show that even though the
petitioner had submitted her reply to the show cause notice and the
issues raised therein has been taken note of by the Sub-Divisional
Officer, in the subsequent paragraphs he has not considered the plea
of the petitioner by stating that the petitioner has not produced any
evidence in support of her case. Learned counsel submits that the
petitioner had submitted her show cause reply and that was required
to be considered.



Having gone through the impugned order, learned counsel for the State agrees that the writ application may be disposed of at this stage itself without waiting for any counter affidavit as it is evident from the records that the show case reply of the petitioner has not been considered.

Having heard learned counsel for the parties and on perusal of the records, this Court is of the considered opinion that the impugned order as contained in Annexure-7 cannot sustain the test of law. The order suffers from vice of non-consideration of the materials available on the record. It is, thus, set aside.

The Sub-Divisional Officer, Patna City will be at liberty to consider the whole matter afresh giving an opportunity of hearing to the petitioner and upon consideration of her reply to the allegations, a reasoned order shall be passed within a period of 90 days from the date of receipt/production of a copy of this order.

The application stands allowed to the extent indicated hereinabove.

If the decision is not taken within the aforesaid period of 90 days or the Sub-Divisional Officer is otherwise satisfied that the allotment is required to be restored, the allotment of the petitioner shall be restored.

(Rajeev Ranjan Prasad, J)

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