

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.3909 of 2019**

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Smt. Bimala Devi @ Vimala Devi @ Vimal Devi W/o Sri Manoj Kumar @ Sri Manoj Kumar Singh, Resident of Village- Itwa, P.O.- Mahaicha, P.S.- Uchakagaon, District- Gopalganj. Temporarily Residing at Mohalla- Kharpakwa, Ward No. 13, Mirganj, P.S. Mirganj, District- Gopalganj.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer protection Department, Govt. of Bihar, Patna.
2. The Commissioner, Saran Division, Chapra.
3. The Collector cum District Magistrate, Gopalganj at Gopalganj.
4. The Sub Divisional Officer, Hathua, District- Gopalganj.
5. The Block Supply Officer, Uchakagaon, District- Gopalganj.
6. The Block Supply Inspector, Uchakagaon, District- Gopalganj.

... .. Respondents

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**Appearance :**

For the Petitioner/s : Mr. Uday Pratap Singh, Advocate  
For the Respondent/s : Mr. AC to AAG-5

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      09-07-2019                      Heard learned counsel for the petitioner and the State.

Petitioner in the present case is aggrieved by and dissatisfied with the order as contained in Memo No. 25 dated 08.01.2019 passed by the Sub-Divisional Officer, Hathua, Gopalganj by which the P.D.S. shop license of the petitioner has been cancelled with immediate effect.

Learned counsel for the petitioner submits that a bare perusal of the impugned order would show that it has been passed without looking into the explanations furnished by the petitioner vide Annexure '4' to the writ application. It is



submitted, thus, the impugned order is liable to be set aside on the ground of non consideration of the materials available on the record.

Learned counsel for the State is present. However on perusal of the impugned order learned counsel for the State admits that there is no discussion of explanation furnished by the petitioner.

In the given facts and circumstances of the case, finding that the impugned order suffers from non consideration of the materials available on the record particularly the explanation of the petitioner, the same is hereby set aside and the matter is remitted to the Sub-Divisional Officer, Hathua, Gopalganj for a fresh consideration in accordance with law. The license of the petitioner is restored.

Let the whole exercise afresh will be completed within a period of 90 days from the date of receipt/production of a copy of this order.

The writ application stands disposed off accordingly.

**(Rajeev Ranjan Prasad, J)**

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