

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24824 of 2018

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Meena Kuar, wife of Late Umesh Kumar Singh @ Umesh Singh, resident of village- Pritampur, P.O. Babubandh (Now Chandi), P.S. Charpokhari, District- Bhojpur Ara.

... .. Petitioner/s

Versus

1. The State Of Bihar.
2. The Divisional Commissioner, Patna.
3. The District Magistrate Bhojpur, Ara.
4. The Sub Divisional Officer, Piro, Bhojpur
5. The Block Supply Officer, Tarari, Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Munna Prasad Singh
For the Respondent/s : Mr.Arvind Ujjwal -Sc4

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 14-02-2019 Heard learned counsel for the petitioner and learned counsel representing the State.

This is yet another case in which this Court finds that only three days notice was given to the petitioner to submit her show cause as to why appropriate action be not taken against her for the alleged irregularities. She was also directed to produce certain registers such as Sale Register, Stock Register, Cash Memo and copy of the License. The show cause was issued on 20th September, 2018 as contained in Annexure '2' to the writ application and thereafter the impugned order as contained in Annexure '4' dated 29.10.2018 has been issued whereunder the license of the petitioner has been cancelled.



Learned counsel for the petitioner submits that a bare perusal of the show cause notice as contained in Annexure '2' would show that there was no proposal for cancellation of the license and, therefore, the mandatory requirement as contained in Rule 27 (ii) of the Bihar Targeted Public Distribution System (Control) Order, 2016 has not been complied with. It is further submitted that this case is also covered by the Judgment of this Court in the case of **Smt. Fulpati Devi vs. The State of Bihar & Ors.** reported in **2013 (1) PLJR 718**.

On the face of the aforementioned submissions, learned counsel for the State has taken a stand that the writ application may be disposed of at this stage with a direction to the Sub Divisional Officer, Piro, (Bhojpur) to take a fresh decision in terms of the show cause as contained in Annexure '2' to the writ application.

This Court, therefore, taking note of the aforesaid submissions, set-aside the order as contained in Annexure '4' to the writ application and remit the matter back to the Sub Divisional Officer, Piro, (Bhojpur) with a direction to pass a fresh order after complying with the principles of natural justice keeping in mind the show cause dated 20th September, 2018 issued to the petitioner. All relevant materials on which reliance



will be placed by the Sub Divisional Officer, Piro, (Bhojpur) shall be made available to the petitioner so that she can take a plea and defend herself. The whole exercise will be completed within a period of 90 days from the date of receipt/production of a copy of this order.

The application stands disposed of, accordingly.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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