

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3397 of 2019

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Kailu Paswan Son of Jagdeo Paswan Resident of Village- Saidpur, Village
Panchayat- Kanhaul, Police Station- Bodh Gaya, District- Gaya

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binay Kumar

For the Respondent/s : Mr.S. Raza Ahmad (AAG5)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-06-2019 Heard learned counsel for the petitioner and the State.

Petitioner in this case is aggrieved by and dissatisfied with the order contained in memo no.1790 dated 29.12.2018 by which the PDS licence of the petitioner has been cancelled by the S.D.O., Sadar Gaya (respondent no.3).

Learned counsel for the petitioner submits that pursuant to the show cause notice the petitioner had submitted his reply and had explained as to why the proposed action for cancellation of licence be not taken against him, but surprisingly without going into the reply submitted by the petitioner the impugned order has been passed.

Learned counsel for the State is present. It is submitted that in view of what transpires from Annexure-3 to



the writ application it cannot be said that the S.D.O. has dealt with the explanation furnished by the petitioner, thus, the matter may be remanded to the S.D.O. for fresh consideration.

Having heard learned counsel for the parties, this Court finds substance in the submissions made on behalf of the State. The impugned order is fit to be quashed on the ground of non-consideration of the materials available on the record. The S.D.O. seems to have proceeded to pass the impugned order even without looking to the explanation and the materials which were submitted before him. The memo no.1790 dated 29.12.2018 is thus quashed. The matter is remitted to the S.D.O., Sadar Gaya who will now move afresh in accordance with law to enquire into the matter and pass a reasoned order within a period of three months from the date of receipt/production of a copy of this order. For the present, by virtue of setting aside the impugned order the licence of the petitioner stands restored.

This writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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