

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5063 of 2019

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Rajeshwar Mahto Son of Durup Mahto, Resident of Serahwa Bhuski, PS
Matiyari Narkatiyanganj, West Champaran

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply
Dept. Bihar, Patna.
2. The District Magistrate, West Champaran Bettiah
3. The Sub Divisional Officer, Narkityaganj, West Champaran, Bettiah

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Mishra, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 25-07-2019 Heard learned counsel for the petitioner and learned
counsel representing the State.

In the admitted facts of this case where the show
cause notice as contained in Memo No. 878 dated 04.12.2013
(Annexure '1') does not propose cancellation of license but after
submission of the explanation the license of the petitioner has
been cancelled which is in violation of Clause 11(2) of the Bihar
Trade Articles (Licenses Unification) Order, 1984, learned
counsel for the State submits that instead of calling for a counter
affidavit this writ application may be disposed off remitting the
matter to the Sub-Divisional-cum-Licensing Authority,
Narkatiyaganj, West Champaran for passing a fresh reasoned
order after giving an appropriate opportunity of hearing to the



show cause to the petitioner in accordance with the Rules.

Having heard learned counsel for the parties and in view of the stand taken before this Court, the impugned orders as contained in Annexure '2' and '3' to the writ application are hereby quashed. The matter is remitted to the Sub-Divisional Officer, Narkatiyaganj, West Champaran for proceeding afresh by serving a proper show cause notice to the petitioner calling upon him to submit an explanation to the allegations and then pass a reasoned order within a period of three months from the date of receipt/production of a copy of this order.

In the meantime, the license of the petitioner shall stand restored.

This writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

vats/ved

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