

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13073 of 2019

Chandravind Kumar, aged about 44 years, Male, S/o Kedar Singh, Resident of Village- Sarsi, P.S.- Sarsi, District- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Sub Divisional Officer, Patna.
4. The Block Supply Officer, Paliganj, Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Anujit Sinha, Advocate
For the Respondent/s	:	Mr. S. Raza Ahmad, AAG-5

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-07-2019 Heard learned counsel for the petitioner and the learned counsel appearing on behalf of the State.

Petitioner in this case is aggrieved by the order dated 08.05.2019 contained in Memo No. 223 (Annexure '5') passed by Sub-Divisional Officer, Patna who has canceled the license of the petitioner.

It is the contention of learned counsel for the petitioner that prior to passing of the cancellation order, no show cause notice proposing cancellation of license was served upon the petitioner. It has been shown in Annexure '1' that the petitioner was called upon to participate in the enquiry and to submit the show cause/explanation on the points raised therein



but there is no whisper in the show cause notice that the licensing authority was contemplating to cancel the license of the petitioner. It is submitted that there are other grounds as well to assail the impugned order but for the present this ground alone is sufficient to quash the impugned order.

Learned counsel for the State is present. However, on the face of what is appearing from Annexure '1' to writ application, learned counsel for the State submits that the matter may be remitted to Sub-Divisional Officer, Patna for fresh consideration.

In the given facts and circumstances of the case, finding that the impugned order has been passed without giving any proposal to cancel the license, the impugned order as contained in Annexure '5' to the writ application is hereby set aside.

The matter is remitted to Sub-Divisional Officer, Patna for a fresh consideration after giving appropriate opportunity of hearing to the petitioner and the show cause together with the materials on which he would like to rely against this petitioner. All contentions on behalf of petitioner are left open.

Let the whole exercise be completed within a period



of 90 days from the date of receipt/production of copy of this order.

In the meantime, the license and supply of the petitioner stands restored.

The writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

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