

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16367 of 2019

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Devgati Singh Son of Ranjit Singh, Resident of Village- Englishpur, Saniya
Barahta, Bhojpur, District- Jagdishpur, Bhojpur.

... .. Petitioner

Versus

1. The State of Bihar through the Divisional Commissioner Bhojpur, Ara.
2. The Divisional Commissioner , Bhojpur, Ara,
3. The District Magistrate, Bhojpur, Ara.
4. The Sub Divisional Officer, Jagdishpur, Bhojpur, Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Mishra, Advocate
For the Respondent/s : Mr. AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 03-09-2019 Heard learned counsel for the petitioner and learned
counsel representing the State.

The petitioner in the present is seeking to challenge
the order dated 30.07.2019 as contained in Memo No. 1520
issued by the Sub-Divisional officer, Jagdishpur whereby the
license of the Public Distribution System Shop of the petitioner
has been cancelled.

Learned counsel for the petitioner submits that this
writ application is fit to be allowed on the solitary ground that
the show cause notice issued to the petitioner as contained in
Annexure '1' to the writ application did not contain any
proposal for cancellation of license.

Learned counsel submits that the petitioner had



submitted his reply to the show cause notice but then by the impugned order the license of the petitioner has been cancelled. In this connection, reliance has been placed on the order dated 05.02.2109 passed by this Court in the case of Arjun Ram Vs. The State of Bihar & Ors. in C.W.J.C. No. 24415 of 2018.

Learned counsel for the State having gone through the recitals of the show cause notice does not dispute that the show cause notice did not contain any proposal of cancellation. Learned counsel submitted that in the given facts and circumstances, the impugned order may be set aside without inviting any counter affidavit and matter be sent back to the Sub-Divisional Officer, Jagdishpur for fresh consideration.

In the given facts and circumstances of the case, the impugned order as contained in Annexure '3' to the writ application is hereby set aside, the matter is remitted to the Sub-Divisional officer, Jagdishpur for fresh consideration of the entire materials on the record after giving proper opportunity of hearing to the petitioner and a fresh show cause notice proposing cancellation of license, if so advised.

Let the whole exercise be completed within a period of 90 days from the date of communication of this order.

In the meantime, license and supply of the petitioner



stands restored.

The writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

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