

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11172 of 2018

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Sudama Paswan Son of Late Jugeshwar Paswan, resident of Village- Choraha
Tola Nima, P.S.- Bodhgaya, Dist.- Gaya.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Gaya.
3. The Sub-Divisional Officer, Sadar, Gaya.
4. Block Supply Officer, Bodhgaya, Gaya.
5. Officer in Charge Bodhgaya, P.S.- Bodhgaya, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amarnath Singh, Adv. Mr. Ashok Kumar, Adv. Mr. Bibhuti Narayan, Adv.
For the State	:	Mr. Upendra Pratap Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 14-10-2019 Heard learned counsel for the petitioner and learned
counsel representing the State.

Earlier this Court had granted time on 22.05.2019 and
27.07.2019 to enable the learned counsel for the State to file
counter affidavit. No counter affidavit has been filed despite
lapse of about two months from the date of expiry of the period
fixed for filing of counter affidavit.

Learned counsel for the State submits that in the given
facts and circumstances, since the order dated 07.06.2019 and
memo no.550 dated 08.06.2017, stated in paragraph 3 of the
impugned order, could not be brought on record, in view of the



specific statement of the petitioner that he had not received order dated 08.10.2017, Annexure-'3' may be set aside and the petitioner may be given an opportunity to submit his explanation which will be considered by the Sub-Divisional Officer and shall pass reasoned order in accordance with law.

Learned counsel for the petitioner submits that in fact the petitioner is looking for that opportunity to submit his explanation and to represent his case before the Sub-Divisional Officer, Sadar.

In the given facts and circumstances of the case considering the stand taken on behalf of the State-respondent wherein the office memo no.550 dated 08.06.2017 has not been shown served upon the petitioner, the impugned order as contained in Annexure- '3' is hereby set aside. The matter is remitted to Sub-Divisional Officer, Sadar, Gaya for giving a fresh hearing of the petitioner. The Sub-Divisional Officer shall, if so advised, issue show cause notice to the petitioner within a period of thirty days from today and thereafter the petitioner shall be given an opportunity to submit his explanation within next thirty days. The Sub-Divisional Officer shall consider the show cause, make an inquiry and pass an appropriate order in accordance with law after considering the reply of the petitioner.



Let the whole exercise be done within a period of three months from today. In the meantime the license of the petitioner shall stand restored and supply be given to him.

(Rajeev Ranjan Prasad, J)

Prakash Narayan /-

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