

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24929 of 2018

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Sitaram Paswan son of Kishun Paswan, Resident of village-Bahsa Pipra,
village Panchayat- Bahsa Pipra Police Station- Tankuppa, 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, Tankuppa, 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 27-07-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

Petitioner in the present case is aggrieved by the order
as contained in Memo No.1678 dated 05.12.2018 by which
P.D.S. shop license of the petitioner has been cancelled.

Learned counsel for the petitioner submits that
although the petitioner had submitted a reply to the show-cause
notice on 16.11.2018 but while passing the impugned order on
05.12.2018 it has been wrongly recorded that despite lapse of time
no explanation had been submitted by the petitioner. It is submitted
that in the writ application a specific statement in this regard has
been made in paragraph 8 with enclosure thereto. But in the



counter affidavit copy of which has been served upon him but not available on the record of this case, there is no denial of the statements made in paragraph-8 of the writ application. A copy of the counter affidavit has been placed before this Court for perusal.

Learned counsel for the State submits that what has been stated in paragraph -8 of the writ application has not been denied. Let matter be remitted to the Sub-Divisional Officer, Sadar Gaya for afresh consideration.

In the given facts and circumstances of the case finding that there is no denial of the fact that this petitioner had submitted his explanation on 16.11.2018 which has not been considered while passing the impugned order, this Court sets aside the Memo No. 1678 dated 05.12.2018 (Annexure-3) and remits the matter to the Sub-Divisional Officer Sadar Gaya for a fresh consideration.

The Sub-Divisional Officer, Sadar Gaya shall consider the matter a fresh looking into the material available on the record and after giving an opportunity of hearing to the petitioner.

Let the whole exercise be done within a period of 90 days from the date of receipt/production of a copy of this order.



In the meantime the license and supply of the petitioner shall stand restore.

Let the copy of the counter affidavit which has been placed before this Court remain on the record.

The writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

T.Kr./-Rajeev

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