

# IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 7269 of 2020

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Kamleshwar Prasad, Son of Awadh Bihari Prasad, Resident of Village – Narayanpur, P.S. – Koilwar,  
District – Bhojpur at Ara ... .. Petitioner/s

Versus

1. The State of Bihar through The District Magistrate, Ara.
2. The Sub-Divisional Officer, Sadar Ara, District – Bhojpur at Ara.
3. The Block Supply Officer, Koilwar, District – Bhojpur at Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate  
Mr. Manoj Kumar Pandey, Advocate  
For the Opposite Party/s : Mr. Prashant Pratap, Advocate

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

02 31-08-2020

Heard Mr. N.K. Agarwal, learned Senior Advocate for the petitioner and Mr. Prashant Pratap, learned Advocate for the State.

This is an application on behalf of the petitioner seeking quashing of the order dated 17.04.2020 contained in Memo No. 691 issued under the signature of respondent no. 2 (Sub-Divisional Officer, Sadar, Ara) by which the license of the petitioner to run his PDS shop has been cancelled.

The sole ground raised on behalf of the petitioner is that he has not been noticed and such order has been passed on the day of the inspection which is 17.04.2020.



A perusal of the order impugned also indicates that the petitioner has not been noticed at all.

Considering the aforementioned aspect of the matter, this Court is of the view that the order dated 17.04.2020 is not sustainable in the eyes of law.

The order dated 17.04.2020 is thus set aside.

The matter is remanded to the respondent no. 2 with a direction to issue a fresh notice to the petitioner within a period of four weeks of the receipt/production of a copy of this order. The petitioner would be as in duty bound respond to the aforesaid notice and then only a decision shall be taken by the concerned respondent within the statutory/reasonable period of time.

In the meantime, the interim arrangement made by the respondent no. 2 shall continue.

With the aforesaid direction/observation, the petition stands disposed of.

**(Ashutosh Kumar, J)**

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