

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13397 of 2019

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Baleshwar Saday S/o Pachakori Saday Resident of Village Dhokara Tol, Ward
No.9, PO Madna, PS Andhrathari, Dist. Madhubani

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate Madhubani
2. The Principal Secretary, Food and Civil Supplies Department, Bihar, Patna
3. The District Magistrate, Madhubani
4. The Sub Divisional Officer, Jhajharpur, Madhubani
5. The Block Supply Officer, Anhrathari, Dist. Madhubani

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shankar Kumar Choudhary, Advocate
For the Respondent/s : Mr. Arvind Ujjwal (SC 4)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 14-01-2020

Heard the learned counsel for the parties.

The petitioner has challenged the order dated 27.03.2019 contained in Memo No. 122 passed by the Sub-Divisional Officer, Jhanjharpur whereby the PDS license of the petitioner has been cancelled.

The grievance raised on behalf of the petitioner is that though the licensing authorities/SDO, Jhanjharpur has noted down the contents of the show cause notice but has not considered the reply against such notice in any manner



whatsoever. It has been urged that this would be reflected from a bare reading of the order.

Perused the order.

It appears that all the grounds in the show cause notice have been listed but the reply has not been considered for the reason that the reply has not been framed systematically and serially. This statement itself reflects that the reply of the petitioner has not at all been considered. The reply not being systematic or in serialim of the accusation may not be a ground for rejecting it in its entirety. Reply of the petition ought to have been considered.

For the non-consideration of the relevant materials before passing a final order which has serious consequences for the petitioner, the order cannot be sustained in the eyes of law.

The order dated 27.03.2019 is set aside.



The matter is remitted to the SDO, Jhanjharpur for writing out a fresh order in accordance with law after taking into account the reply of the petitioner.

Should the SDO, Jhanjharpur consider it expedient to seek a fresh reply and a hearing from the petitioner, the same may also be done. The exercise be completed within a period of thirty days of the receipt/production of a copy of this order.

With the aforesaid direction/observation, the writ petition is disposed of.

(Ashutosh Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.01.2020
Transmission Date	

