

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15414 of 2019

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Rupchand Chaudhary S/o Late Mukhu Chaudhary Vill.- Kekhra, P.s.- Guraru,
Distt.- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection, Govt. of Bihar, Patna
2. The District Magistrate Gaya
3. The Sub Divisional Officer Tekari, Gaya
4. The Block Supply Officer Gararu
5. The Block Development Officer Gararu

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nand Kishore Prasad Sinha
For the Respondent/s : Mr.S. Raza Ahmad (AAG5)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL JUDGMENT

Date : 14-02-2020

A counter affidavit has been filed during the course of arguments. Let it be taken on record.

Heard Mr. Nand Kishore Prasad Sinha, for the petitioner and Mr. Alok Ranjan as well as Mr. Anisul Haque, for the State.

Though many grounds have been urged against the order impugned dated 11.09.2019 passed by the Sub-Divisional Officer, Tekari (Gaya), whereby the license of the petitioner has been cancelled but the point which has



been canvassed in priority is that notwithstanding the reply to the show-cause filed by the petitioner, the impugned order indicates that no such reply was filed and therefore the entire order came to be passed on the report by the Officer concerned.

Learned counsel for the petitioner has drawn the attention of this Court to Annexure- 5 of the supplementary affidavit which is the show-cause reply filed by the petitioner on 23.07.2019 and has also pointed out the endorsement regarding its receipt before the Sub-Divisional Officer, Tekari.

The counter affidavit which has been filed today does not at all advert to this issue.

Per force, this Court accepts the contention of the petitioner that the reply to the show-cause notice was filed but was not considered.

In that view of the matter, the order impugned cannot sustain in the eyes of law.



There is no option for this Court but to set aside the aforesaid order.

The order impugned is set aside.

The matter is remanded to the Sub-Divisional Officer, Tekari, Gaya for writing out a fresh order in accordance with law within a period of 60 days from the date of production/receipt of a copy of this order.

Needless to say that the show-cause reply of the petitioner shall be considered and reasons shall be provided for differing with the explanation offered by the petitioner.

The writ petition stands disposed off with the above directions.

(Ashutosh Kumar, J)

skm/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	17.02.2020
Transmission Date	

