

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21114 of 2019

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Ramdeo Prasad @ Rajdeo Prasad Son of Khaderan Saw, Resident of Village-
Girajor Khurd, 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, Distt. Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar
For the Respondent/s : Mr. Upendra Pratap Singh AC to SC4

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 08-12-2020 Heard both sides.

The matter has been taken up through video
conferencing.

The petitioner has filed this writ petition for quashing
the order dated 20.09.2019, as contained in memo No. 880
(Annexure-3), passed by the Sub divisional Officer, Sadar, Gaya
by which license of the petitioner has been cancelled. Show
cause was asked from the petitioner on 22.08.2019 (Annexure-
1). The petitioner submitted his show cause on 05.09.2019 along
with relevant records but the learned counsel for the petitioner
submits that the S.D.O without adverting to the show cause filed
by the petitioner rejected the show cause of the petitioner in one
line saying that the show cause is not satisfactory and this
amounts to non consideration of the show cause and on this
ground alone the order canceling license of the petitioner is



vitiated.

The learned AC to SC 4 very fairly submits that the order is bad as no reason for rejecting the show cause has been given in the order.

Having considered the submission of both sides and on perusal of the records, I find that the petitioner has given detailed show cause after receiving the copy of show cause notice from the Sub divisional Officer, Gaya but it appears that the S.D.O without giving any reason for rejecting the show cause of the petitioner cancelled the license of the petitioner. Therefore, I find that the order is bad and illegal as the same has been passed without assigning any reason. Accordingly, the order dated 20.09.2019, as contained in memo No. 880 (Annexure-3), passed by the Sub divisional Officer, Sadar, Gaya is set aside. The writ petition is allowed and the matter is remitted to the Sub divisional Officer, Sadar, Gaya to pass order afresh after hearing the parties, in accordance with law, within four months from the date of receipt of this order.

This writ petition is, accordingly, allowed.

(Prabhat Kumar Jha, J)

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