

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.793 of 2020

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Laxman Bharti Son of late Ramcharitra Bharti, Resident of Village-
Champapur, P.S. Ramgarhwa, District- East Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Consumer Protection, Government of Bihar, Old Secretariat, Patna.
2. The Collector-Cum-District Magistrate, East Champaran at Motihari.
3. The Sub- Divisional Officer, Raxaul, East Champaran.
4. The Block Supply Officer, Ramgarhwa, East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 25-02-2020

1. The present writ petition has been filed for quashing the order dated 28.05.2019, passed by the Sub Divisional Officer, Raxaul, East Champaran, whereby and whereunder the P.D.S. licence of the petitioner bearing licence no. 52 of 2007 has been cancelled.

2. The short issue raised by the petitioner is that the order impugned dated 27.11.2019 is wholly without any reason and does not show any application of mind or consideration of the show cause reply filed by the petitioner, hence it is submitted that the impugned order dated 27.11.2019 is perverse and contrary to the well settled principals of law.



3. The learned counsel for the State could not controvert the fact that the impugned order dated 27.11.2019 does not either show any application of mind by the S.D.O. Raxaul, East Champaran or consideration of the show cause reply of the petitioner herein.

4. Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties, this Court finds that the impugned order dated 27.11.2019 is not sustainable in the eyes of law, inasmuch as neither the same shows any application of mind by the S.D.O. Raxaul nor the same takes into account, the show cause reply filed by the petitioner herein and has been passed in a mechanical manner, thus the said order dated 27.11.2019 is set aside, however with liberty to the S.D.O. Raxaul to proceed afresh, in accordance with law.

5. The writ petition stands allowed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.02.2020
Transmission Date	NA

