

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5508 of 2020

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Savitri Devi, W/o Late Lalkeshwar Ram, Resident of Village- Marui Tola
Sabda, P.S. Roh, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through its the Principal Secretary, food and Consumer Protection Department Government of Bihar, Old Secretariat, Patna-800015.
2. The District Magistrate, Nawada.
3. The Assistant District Supply Officer, Rajauli, Nawada.
4. The Sub Divisional Officer, Rajauli, Nawada.
5. The District Supply Officer, Nawada.
6. The Block Development Officer, Roh, Nawada.
7. The Block Supply Officer, Roh, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr. Advocate Mr.Krishna Deo Raj, Advocate
For the Respondent/s	:	Mr. Arvind Ujjwal, SC 4 Mr. U.P.Singh, Ac to SC 4

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 23-11-2021

Petitioner has prayed for the following relief(s):-

- (i) for issuance of writ in the nature of Certiorari for quashing of the order dated 11.08.2018 passed by the learned District Magistrate and Collector, Nawada in case No. 224(M)/2016 whereby and where under the District Magistrate , Nawada has dismissed the case of the petitioner and confirmed the order dated 26.09.2016 passed by the Sub Divisional Officer, Rajauli in case No. 21/2016-17 whereby the license of the petitioner for PDS Dealer has been cancelled without considering the explanation of the petitioner.



- (ii) For further direction and commanding the Respondent Authorities to restore the supply and distribution of petitioner's fair price shop forthwith under New licence No.500/2013, already issued/ operation under New control order 2016.
- (iii) During the pendency of this application, the operation of impugned order dated 11.08.2018 may be kept in abeyance with direction to allow the functioning of the petitioner's fair price shop being her only source of livelihood, which has been snatched illegally and unconstitutionally.
- (iv) For any others order/orders for which this Hon'ble court may deem fit and proper.

We are in agreement with the submissions made by Shri N.K.Agrawal, learned senior counsel appearing for the petitioner that three days period to respond to the show cause in terms of notice dated 12.09.2016, Annexure-3 Page 19, was insufficient for the petitioner to respond thereto, enable, for placing on record material in support of her case. We notice that the appellate authority has not dealt with this aspect in its order while dismissing the petitioner's appeal in terms of order dated 11.08.2018 passed in Case No. 224(M) 2016.

As such, on this short ground alone, we quash and set aside the order dated 11.08.2018 passed by the District Magistrate, Nawada as also the communication dated 13.08.2018 passed by the appropriate authority (Annexure-9) remanding the matter back to the officer concerned for passing a fresh order in accordance with law.



Since the matter pertains to the year 2016, petitioner shall appear before the appropriate authority on 14.12.2021, on which date, she shall also file a detailed response and place on record materials in support of her case.

The appropriate authority shall pass a fresh order assigning reasons within a period of four weeks thereafter. Liberty reserved to assail the same, should the need arise.

In the meanwhile, *status quo*, as on date, shall be maintained.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sujit/Ashwini

AFR/NAFR	
CAV DATE	
Uploading Date	26.11.2021
Transmission Date	

