

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6024 of 2020

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Devrani Kumari, Wife of Saroj Kumar Chaurasia, Resident of Ward No. 14,
Maheshkhunt West Tola, P.O. and P.S. Mahesh Khunt, District- Khagaria.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Food and Consumer Protection,
Government of Bihar, Patna.
3. The District Magistrate-Cum-Collector, Khagaria, District- Khagaria.
4. The District Supply Officer, Khagaria, District-Khagaria.
5. The Sub- Divisional Officer, Cum-Licensing Officer, Gogari, District-
Khagaria.
6. The Block Supply Officer, Gogari, District- Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amrendra Kumar, Advocate
For the Respondent/s : 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 MR. JUSTICE S. KUMAR)

Date : 23-11-2021

Heard learned counsel for the parties.

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

“1. That the present writ application is being filed on behalf of the petitioner named for indulgence of the Hon'ble Court by issuance of appropriate writ/writs, order/orders, direction/directions upon the respondents for quashing the memo no. 24 dated 04.02.2020 passed by the Sub-Divisional Officer, Gogari whereby and where under the Sub-Divisional Officer, Gogari has been pleased to

cancel the P.D.S. License of the petitioner bearing License No. 31G/2019 on the report of the Block Supply Officer, Gogari bearing Letter No.-12 dated 17.01.2020. The petitioner further prays for directing the respondents particular respondent no.-05 to restore the P.D.S. Licence forth with and be further for issuance of any other appropriate relief/reliefs, order/orders, direction/directions which may deem, fit and proper in the facts and circumstances of the case for which the petitioner is legally entitled.”

We are in agreement with the submissions made by learned counsel appearing for the petitioner that 24 hours’ period to respond to the show cause notice bearing Memo No. 17 dated 21.01.2020 (Annexure-1) [Page-11], was insufficient for placing on record materials in support of her case.

As such, on this short ground alone, we quash and set aside the order bearing Memo No. 24 dated 04.02.2020 passed by the Sub Divisional Officer-cum-Licensing Authority, Gogari (Annexure-3) remanding the matter back to the Licensing Authority for passing a fresh order in accordance with law.

Since the matter pertains to the year 2020, 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.

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

Interlocutory application(s), if any, shall stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

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