

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6874 of 2020

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Vijay Bhuiyan Son of Late Nathuni Bhuiyan Resident of Village- Kormathu,
P.S. and Anchal- Amas, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Bihar, Patna.
2. The Divisional Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Gaya.
4. The Sub Divisional Officer, Sherghati, Gaya.
5. The Addl. District Supply Officer, Gaya.
6. The Block Supply Officer, Amas, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sudhir Kumar Singh, Advocate Mr. Dhananjay Nath Tiwary, Advocate Mr. Ujjawal Bhushan, Advocate
For the Respondent/s	:	Mr. Arvind Ujjwal (S.C. 4) Mr. U.P. Singh, A.C. to S.C. 4

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

Date : 29-11-2021

Heard learned counsel for the parties.

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

- (I) To issue an appropriate order/s, direction/s including a writ preferably in the nature of CERTIORARY for quashing the order dated 21.04.2018 passed in Supply Case No. 3/18 passed by the learned Sub Divisional Officer i.e. Respondent No. 04, Sherghati, Gaya (hereinafter referred to as Licensing Authority) under the Bihar Targeted



Public Distribution System (Control) Order 2016 whereby and where under he has cancelled the Fair Price shop license of the petitioner vide License No. 15/2016.

- (II) To quash the order dated 30.11.2019 passed in Supply Appeal Case No. 24/18 by the District Magistrate, Gaya i.e. Respondent No. 3 (Hereinafter referred to as Appellate Authority) under the Bihar Targeted Public Distribution System (Control) order 2016 whereby and where under he has dismissed the Supply Appeal No. 24/18 and affirmed the order passed by the S.D.O., Sherghati, Gaya cancelling the license of the petitioner and also held that order passed by the S.D.O., Sherghati is in accordance with law.
- (III) To direct the respondent no. 3 to restore the P.D.S. License bearing 16/2016 henceforth taking into the consideration that shop in question is the only means of earning livelihood.
- (IV) The petitioner seeks indulgence of this Hon'ble Court to grant him any other relief/s to which he may found entitled in the facts and circumstances of the case."

Shri Arvind Ujjwal, learned S.C. 4, fairly states that the order passed by the appellate authority falls foul of the instructions recently issued by the Principal Secretary, Department of Food & Consumer Protection, Government of Bihar.

We notice that the impugned order is cryptic, does not assign any reasons.

As such, on these short grounds alone, we quash the impugned order dated 21.04.2018, passed by Respondent



No. 2, namely Sub Divisional Officer in Supply Case No. 3/18 as also the appellate order dated 30.11.2019, passed by Respondent No. 3, namely District Magistrate Gaya, in Supply Appeal Case No. 24/18, with the direction to the petitioner to appear before the licensing authority on 30.12.2021 at 10:30 a.m. who shall pass a fresh order in the light of the instructions/guidelines issued by the Government of Bihar.

The licensing authority shall pass a fresh order within a period of two months from the date the petitioner appears before the authority.

We clarify that we have not expressed any opinion on facts and law. All issues are left open. Petitioner undertakes to fully cooperate and not take any unnecessary adjournment.

Petition stands disposed of in the aforesaid terms.

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

(Sanjay Karol, CJ)

(S. Kumar, J)

K.C.Jha/-Veena

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

