

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9606 of 2021

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Kishori Paswan, aged about 46 years, (Male) Son of Late Bauku Paswan
Resident of village - Jhandapur, P.S. - Bihpur, District- Bhagalpur.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary Food and Consumer Protection Department, New Secretariat, Government of Bihar, Patna.
2. The Divisional Commissioner, Bhagalpur.
3. The District Magistrate, Bhagalpur.
4. The Sub-divisional Officer, Sub Division Naugachia, District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate.
For the Respondent/s : Mr. Arvind Ujjwal SC-4

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

and

HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH)

4 17-11-2021 Heard Mr. Sunil Kumar Singh, learned counsel for the

petitioner and Mr. Arvind Ujjwal SC-4 for the State.

Petitioner's license for running a fair price shop under the Public Distribution System (for brevity 'PDS') has been cancelled by the licensing authority. The petitioner's appeal against the said order has been dismissed by the Appellate Authority. The petitioner had preferred Revision application which too has been dismissed by an order dated 27.01.2021, passed by the Divisional Commissioner, Bhagalpur in Misc.



(Supply) Revision Case No. 05/2021-21. All these three orders are under challenge in this case. Our attention has been drawn to the Revisional order by the learned counsel for the petitioner and to contend that it does not disclose any application of mind.

The learned counsel representing the State of Bihar has submitted that a counter affidavit has been filed through email, wherein, it has been stated that the said order of the Revisional Authority dated 27.01.2021 has been recalled in the facts and circumstances of the case and it has been decided to pass order afresh after giving the petitioner an opportunity of hearing. He informs this Court that a notice has been issued to the petitioner for him to appear before the Divisional Commissioner, Bhagalpur on 25.11.2021 in the said Revision case.

Considering the facts and circumstances of the case, this application is disposed of with a direction that let the Divisional Commissioner, Bhagalpur (Respondent No.2) pass an order afresh in the Revision Case No. 5 of 2020-21 within a period of one month from the date of first appearance of the petitioner before the Divisional Commissioner, Bhagalpur. Learned counsel for the petitioner has assured this Court that the petitioner shall appear before the Divisional Commissioner,



Bhagalpur, on 25.11.2021 and on subsequent dates also, if so
required.

(Chakradhari Sharan Singh, J)

(Madhuresh Prasad, J)

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