

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.134 of 2021

Prakash Bind Son of Yamuna Bind Resident of Village- Kakrauri, P.S. Halsi,
District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Lakhisarai.
2. The Sub-Divisional Officer, Lakhisarai, Dist- Lakhisarai.
3. The Block Supply Officer, Halsi, District- Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal, Sr. Adv. Ms. Preety Kunwar, Adv. Mr. Manoj Kumar Pandey, Adv.
For the Respondent/s	:	Mr. Upendra Pratap Singh, AC to SC-4

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 03-11-2021 The present writ petition has been filed seeking quashing of the order dated 25.4.2020 passed by the Sub-Divisional Officer, Lakhisarai whereby and whereunder the license of the PDS shop of the petitioner bearing license no. 3/91 has been suspended. The petitioner has also prayed for quashing of the order dated 6.7.2020 passed by the Sub-Divisional Officer, Lakhisarai whereby and whereunder the aforesaid license of the PDS shop of the petitioner has been cancelled.

The short point raised by the learned counsel for the petitioner is that the impugned



order dated 6.7.2020 has been passed on the pretext that the petitioner has not filed any reply to the show cause notice dated 14.11.2019, hence, apparently, the petitioner does not wish to defend his case, however, a supplementary affidavit has been filed in the present case bringing on record the certified copy of the show cause reply of the petitioner dated 26.11.2019. Thus, it is submitted that from the materials available on record, it is apparent that the petitioner had filed the show cause reply, however, the same has not been taken into consideration by the Sub-Divisional Officer, Lakhisarai, hence, the impugned order dated 6.7.2020 stands vitiated in the eyes of law.

Per contra, the learned counsel for the State, Sri Upendra Pratap Singh (AC to SC-4), has not disputed the position, as is existing in law.

Having regard to the facts and circumstances of the case and considering the fact that though the petitioner had filed a show cause reply, as noted hereinabove in the preceding paragraphs, but the Sub-Divisional Officer,



Lakhisarai while cancelling the license of the petitioner by the impugned order dated 6.7.2020 has failed to consider the same, hence, the order dated 6.7.2020 stands vitiated in the eyes of law, thus, is quashed. Consequently, the order of suspension dated 25.4.2020, which has stood merged with the impugned order dated 6.7.2020, has got no legs to stand, hence, is also quashed.

However, the matter is remanded back to the Sub-Divisional Officer, Lakhisarai for proceeding afresh in the matter, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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