

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2115 of 2021

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BACHCHU PRASAD Son of Mushafir Prasad, resident of Village - Meghni Bigha, Gram Panchayat - Bhaiswa, Block and Police Station- Masaudhi, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate cum Collector, Patna.
3. The Sub-Divisional Officer cum Licensing Authority, Masaudhi, Patna.
4. The Assistant District Supply Officer, Masaudhi, Patna.
5. The Block Supply Officer, Masaudhi, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya
For the Respondent/s : Mr. SC 24

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

2 06-12-2021 The petitioner has sought to challenge the order dated 25.09.2020, passed by the Sub Divisional Officer, Masaudhi, Patna.

At the outset, the learned counsel for the petitioner has placed reliance upon a judgment rendered by the Hon'ble Division Bench in the case of *Ram Bachan Ram v. The State of Bihar and ors.* reported in **2018 (4) PLJR 516**, to submit that though, a show cause notice was served upon the petitioner, before passing of the impugned order, however, the same did not



indicate about any proposal for cancellation of the license, in terms of ***Rule 27 (ii) of the Bihar Targeted Public Distribution System (Control) Order, 2016***, hence the impugned order dated 25.09.2020 stands vitiated in the eyes of law.

Ratio of the judgment reported in ***2018(4) PLJR 516 (Ram Bachan Ram v. The State of Bihar and ors.)*** is not disputed by the learned State Counsel.

In above view of the matter, the impugned order dated 25.09.2020, passed by the Sub Divisional Officer, Masaudhi, Patna is hereby set aside and the matter is remitted back to the concerned authority for taking appropriate decision, in accordance with law.

The writ petition stands disposed off on the aforesaid terms.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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