

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17740 of 2019

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Sanjay Kumar Yadav, Son of Tara Kant Yadav, Resident of village - Ejrahta,
P.S. - Manigachhi, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate Darbhanga, District - Darbhanga.
3. The Licensing Authority-Cum-Sub-Divisional Officer Sadar, Darbhanga, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Labh, Advocate.
For the Respondent/s : Mr.Arvind Ujjwal (SC-4)

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA
ORAL JUDGMENT

Date : 18-02-2021

Heard learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

2. The petitioner has preferred the present writ petition, under article 226 of the Constitution of India, to quash the order dated 30.07.2019 (Annexure 1) passed by the Licensing Authority-cum-Sub-Divisional Officer, Sadar, Darbhanga, whereby the Sub-Divisional Officer, Sadar, Darbhanga, cancelled the licence of PDS Shop No. 27 of 2016 of the petitioner.

3. Learned counsel for the petitioner submits that the show cause notice dated 27.07.2019 was issued by the Sub-



Divisional Officer, Sadar, Darbhanga (respondent no.3) to the petitioner directing him to file reply to the show cause within a week to the effect as to why the license of PDS shop of the petitioner should not be cancelled. Learned counsel appearing for the petitioner, further, submits that the Sub-Divisional Officer, Sadar, Darbhanga (respondent no.3) issued show cause to the petitioner to file his reply within a week but the licence of PDS shop of the petitioner was cancelled on 30.07.2019 without giving proper opportunity and awaiting one week to file reply to the show cause by the petitioner, which would appear from Annexure 1 of the petition.

4. The record shows that the Licensing Authority-cum-Sub-Divisional Officer, Sadar, Darbhanga (respondent no. 3) issued notice through memo no. 377 dated 27.07.2019 to the petitioner to file his reply to the aforesaid show cause within a week but the licence of PDS shop of the petitioner was cancelled without giving opportunity to the petitioner to file his reply within the stipulated period. As such, the order dated 30.07.2019 passed by the Licensing Authority-cum-Sub-Divisional Officer, Sadar, Darbhanga, (respondent no.3), cancelling the PDS shop no. 27 of 2016 of the petitioner, is quashed with a direction to the respondent no. 3 to issue fresh show cause notice and pass



appropriate order in accordance with law after giving proper opportunity to the petitioner to file reply to the show cause.

5. Accordingly, this writ application stands allowed.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

AFR/NAFR	NAFR
CAV DATE	
Uploading Date	19.02.2021
Transmission Date	

