

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21404 of 2019

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Vijay Kumar, S/o Late Maheshwar Prasad, Resident of Village-Mustafapur,
Panchayat-Mustafapur, P.S.-Ahiyapur, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Collector, Muzaffarpur.
3. The Sub Divisional Officer (West), Muzaffarpur.
4. The Block Supply Officer, Kanti, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Ms. Namrata Mishra, Adv. Mr. Chhotelal Mishra, Adv. Ms. Archana Jha, Adv.
For the State	:	Mr. Upendra Pratap Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 07-01-2021 Heard learned counsel for the petitioner and learned
AC to SC-4 for the State.

The petitioner has filed the instant application for setting aside the order dated 7.9.2019 passed by the learned Sub Divisional Officer (West), Muzaffarpur, whereby the PDS license bearing no. 23060047/16 of the petitioner has been cancelled. Further prayer is for a direction to the respondents to restore the license.

The case of the petitioner in brief is that he was served a show-cause notice dated 3.9.2019 (Annexure-1) asking him to reply as to why his license be not cancelled for



irregularities mentioned therein. A copy of the said notice was received by his son on 5.9.2019 at 7 p.m.. The petitioner being ill and having been referred to Patna for treatment, requested the respondents for grant of further time. However, as his request was not entertained nor was he given any receipt for the representation, he sent a copy of his representation dated 6.9.2019 to the respondents through post. It is submitted that on the very next day i.e. 7.9.2019, the order as contained in Annexure-3 was passed cancelling the PDS license of the petitioner.

It is submitted by learned counsel for the petitioner that the case of the petitioner is fully covered by the judgment reported in *Smt. Fulpati Devi vs. The State of Bihar & ors.* [2013 (1) PLJR 718].

It is submitted by learned counsel for the State that the matter be remanded to the Sub Divisional Officer, West Muzaffarpur for passing an order afresh after giving adequate/reasonable time to the petitioner.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the parties, this application is disposed of, quashing the order dated 7.9.2019 contained in memo no. 1345 (Annexure-3) cancelling



the license of the petitioner. The Sub Divisional Officer, West Muzaffarpur shall serve a copy of the enquiry report on the petitioner and after giving reasonable time for filing reply to the show cause and after considering the reply filed by the petitioner, the Sub Divisional Officer, West Muzaffarpur shall decide the case by passing a reasoned and speaking order within a period of two months.

The writ application stands disposed of.

(Partha Sarthy, J)

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