

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24370 of 2019

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Surendra Kumar Paswan, Son of late Devki Paswan, Resident of Village- Bari Kewai, P.S.- Daniyawan, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate, Patna.
3. The SDO, Patna City, Patna.
4. The Block Development Officer, Daniyawan, Patna.
5. The Block Supply Officer, Daniyawan, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate Mr. Vijay Anand, Advocate
For the Respondent/s	:	Mr. Arvind Ujjawal, SC-4 Mr. Upendra Pratap Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 24-02-2021 Heard learned counsel for the petitioner and the respondents.

Mr. N. K. Agrawal, learned senior counsel for the petitioner, has placed reliance on the order passed in C.W.J.C. No. 1503 of 2019 (Rajendra Prasad Yadav Vs. The State of Bihar & Ors) and submits that the fact of this case is also similar to C.W.J.C. No. 1503 of 2019, which was allowed vide order dated 30.01.2019.

In view of the above, the present writ application is disposed of with similar terms and conditions. Relevant part of the order dated 30.01.2019 passed in C.W.J.C. No. 1503 of 2019



is quoted herein below:

“This Court is satisfied from the reading of the impugned order, as contained in Annexure-5 to the writ application, that the Sub-Divisional Officer, Phulparas has not given an independent consideration to the case of the petitioner prior to issuance of the impugned order.

In the given facts and circumstances of the case, the impugned order, as contained in memo no.407 dated 20.11.2018, issued by the Sub-Divisional Officer, Phulparas, is set aside. The Sub-Divisional Officer, Phulparas (respondent no.3) shall now consider the reply of the petitioner afresh and after applying his independent and judicious mind he may pass a fresh order thereon. In case, the petitioner has anything more to submit, he can do that by submitting his written submissions within a period of fifteen days from today.

The whole exercise will be completed by the Sub- Divisional Officer, Phulparas (respondent no.3) within a period of 90 days from the date of receipt/production of a copy of this order.”

(Anil Kumar Upadhyay, J)

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