

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3642 of 2020

Shivkumar Bhuiyan S/o Bhagvat Bhuiyan Resident of Village- Naudiha
Jhurang, Bagai, P.S.- Fatehpur, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Food and Consumer Protection Department, Old Secretariate, Patna.
2. The SDO, Sadar Gaya.
3. The Block Supply Officer, Town, Gaya.
4. The Block Supply Officer, Fatehpur, Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Adv.
For the Respondent/s : Mr. Upendra Pratap Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

2 04-07-2022 Heard Mr. N. K. Agrawal, the learned senior

counsel for the petitioner and Mr. Upendra Pratap Singh, the

learned counsel for the State.

The petitioner was served with a notice to explain why his license be not cancelled. However, such notice was never received by him. Later, again a notice was issued on 09.02.2018 which the petitioner has received but the order impugned cancelling the license of the petitioner has been passed on the same day i.e. on 09.02.2018.

The aforesaid fact gets reflected from the order



impugned by which the license of the petitioner has been cancelled.

We are of the view that the petitioner ought to get an opportunity of explaining his cause.

For the sole reason afore-stated, we set aside the order dated 09.02.2018 passed by learned Sub-Divisional Officer, Sadar Gaya. The matter is remitted to the Licensing Authority/ Sub-Divisional Officer, Sadar Gaya for him to pass a fresh order on the explanation offered by the petitioner on a fresh service of notice to him within a period of 60 days of receiving the reply of such notice.

The entire exercise shall be concluded within a period of 90 days from the date of receipt/ production of a copy of this order.

The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

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