

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2260 of 2022

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Naresh Chaudhary (male) aged about 47 years, Son of Kailash Chaudhari,
Resident of Village - Powa, Village Panchayat - Mataso, Police Station -
Fatehpur, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub-Divisional Officer, Sadar Gaya, Gaya.
4. The Block Supply Officer, Fatehpur, Dist. - Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Adv.
For the Respondent/s : Mr. Upendra Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 23-03-2022

Heard Mr. Binay Kumar, learned advocate for the
petitioner and Mr. Upendra Pratap Singh for the State.

With a criminal case having been lodged against the
petitioner for breach of the provisions contained in E.C. Act, his
license was suspended and a notice was issued to him seeking
explanation as to why his license be not cancelled.

Despite reasonable time having been given to the
petitioner, no reply was furnished by him and the license of the
petitioner thus was thereafter cancelled.

The learned counsel for the petitioner submits that for
some reason or the other, his explanation could not be filed before



the Licensing Authority and therefore he may be given one opportunity to furnish his cause against the order of suspension and cancellation.

Though there is no statement either in the main writ petition or in the supplementary affidavit explaining the reason for not filing reply to the show-cause notice but considering that the petitioner had been a P.D.S. licensee for a long time, we deem it appropriate to provide him with one more opportunity of explaining his cause.

For the aforesaid reason only, the order of cancellation of license dated 22.01.2022 is set aside.

The matter is remitted to the Licensing Authority to hear out the petitioner, advert to his explanation and pass a fresh order after giving a fresh opportunity of hearing to the petitioner within a period of sixty days from the date of receipt/production of a copy of this order.

This writ petition stands disposed of accordingly.

(Ashutosh Kumar, J)

(Anjani Kumar Sharan, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.03.2022
Transmission Date	

