

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4138 of 2022

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Rajendra Paswan S/o Bal Gobind Paswan Resident of Village-Marwa, Block-Khushrupur, P.S.-Pirbarauna, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Old Secretariat, Patna.
2. The Sub-Divisional Officer, Patna City.
3. Block Supply Officer, Khushrupur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Adv.
For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC 4

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE JITENDRA KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 07-07-2022

Heard learned counsel for the parties.

The order dated 27.08.2019 cancelling the license of the petitioner by the licensing authority is under challenge.

The petitioner was made accused in a criminal case as a result of which he was taken into custody.

Though the order reflects that the license was suspended under Clause 28 of the Control Order, 2016 and notice also was issued to the petitioner but, such contention of the State has been refuted.

The petitioner has not been noticed.

This statement has finally not been controverted by the counsel for the State.



Considering the fact that the petitioner was not served notice in accordance with the provisions contained in Clause 28 of the Control Order, 2016, it cannot be sustained in the eyes of law.

For the aforesaid reason, the order dated 27.08.2019 is set aside.

The matter is remitted to the licensing authority to give a fresh notice to the petitioner within a period of sixty days from the date of receipt/production of a copy of this order.

After eliciting the response of the petitioner over the charge against him by giving him sufficient time, a final order shall be passed by the licensing authority, after adverting to the reply filed by the petitioner.

This shall be done within a period of 180 days from the date of receipt of notice by the petitioner.

With the aforestated observation and direction, the writ petition stands allowed and disposed of.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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