

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7311 of 2022

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Raju Prasad @ Raju Sao, male, aged about 73 years, son of Late Ram Briksh Prasad, Resident of Village/ Mohalla- Bahuar Chaura, Ward No. 38 Gaya Municipality, Police Station- Civil Line, 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, Town Block, Dist.- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Adv.

For the State : Mr. Upendra Pratap Singh, Adv.

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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 : 13-10-2022

Heard the learned counsel for the parties.

2. The license of the petitioner was suspended under Clause 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016, but



without issuance of any notice to him as contemplated under the aforesaid clause, the license of the petitioner has been cancelled.

3. It has been submitted on behalf of the petitioner that shortly after his being made accused in the F.I.R., he was granted regular bail. It has further been submitted that in any view of the matter, without the petitioner having been served a notice to explain his cause, no final order of cancellation of license could have been passed.

5. Considering the afore-noted submission of the petitioner, we set-aside the order of cancellation of license and direct the licensing authority to issue a fresh notice to the petitioner within a period of thirty days of the presentation/production of a copy of this order. The licensing authority shall afford reasonable opportunity to the petitioner to represent his cause, whereafter a final order shall be passed by the authority, giving reasons in support of the same. The



entire exercise must be completed within a period of sixty days thereafter.

6. With the aforesaid observation/direction, the writ petition stands disposed off.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
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