

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8415 of 2020

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Niranjan Prasad Sah Son of Late Ganesh Prasad Sah, Resident of Village -
Acharaj, P.S. - Bounsi, District - Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate, Banka.
3. The Sub-Divisional Officer, Banka, District - Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Labh, Advocate
For the Respondent/s : Mr. Lalit Kishore (Ag)

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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 the learned counsel for the petitioner and the

State.

Mr. Labh, learned counsel for the petitioner submits

that the order of cancellation cannot be sustained in the eyes

of law for the reason that notice dated 12.06.2020 was served

upon him on 18.06.2020 giving him only a week's time to

represent his cause.

However, before the time of one week could expire,

an order was passed on 22.06.2020 cancelling the license of

the petitioner. While cancelling the license, the refrain of the



licensing authority was that the notice to the petitioner had not been replied.

This obviously is not correct.

For the afore-noted reason, we set aside the order passed by the licensing authority and remit the matter to him for giving fresh notice to the petitioner within a period of sixty days of the receipt/production of a copy of this order. Thereafter, on the reply of the petitioner, a final decision shall be taken by the licensing authority within the next sixty days. The licensing authority shall provide reasonably sufficient time for the petitioner to explain his cause and shall provide reasons in support of the order.

With the aforesaid directions/observations, this writ petition stands allowed and disposed off.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

krishna/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.07.2022
Transmission Date	

