

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12987 of 2021

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Ganesh Prasad @ Ganesh Yadav S/o Biseshwar Yadav Resident of Village -
Budhaul, P.S. - Bodh Gaya, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of food and Civil Supply, Government of Bihar, Patna.
3. Collector - cum - District Magistrate, Gaya.
4. The Sub Divisional Officer, Sadar, Gaya.
5. The District Supply Officer, Gaya.
6. The Block Supply Officer, Bodh Gaya, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ajit Ranjan Kumar, Advocate
For the Respondent/s : Mr.S. Raza Ahmad (AAG5)

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE S. KUMAR

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 12-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“ 1. That this writ application is being filed for quashing the order contained in memo no. 946 dated 14.10.2019 passed by Sub Division Officer, Sadar, Gaya by which the license no. 07 of 2016 of the petitioner for P.D.S. shop has been cancelled on the ground of irregularities in the matter of distribution of food grains to the public. This writ application is also being filed for quashing the appellant order dated 20.12.2020 passed in supply appeal no. 30 of 2019 by the Collector, Gaya by

which the order dated 14.10.2019 passed by S.D.O., Sadar Gaya has been affirmed and the appeal preferred by the petitioner has been rejected.

This writ application is also being filed for commanding the respondents to consider the case of the petitioner and reinstate the license no. 07 of 2016 of the petitioner for fair price shop in Gram Panchayat Kanhaul, Block Bodh Gaya, District-Gaya.

This writ application is also being filed for holding that the impugned orders dated 14.10.2019 and 20.12.2020 contained in Annexure-1 and 2 respectively are illegal, arbitrary, malafied and without any lawful justification.

This writ application is also being filed for any other relief/reliefs which the petitioner may be found entitled.”

The impugned order dated 14.10.2019, passed by Respondent No. 4, namely The Sub-divisional Officer, Sadar, Gaya is a cryptic and non-speaking order and entails civil consequences as it affects the petitioner’s rights.

In view of the submissions made and the grounds mentioned in the petition, the impugned order dated 14.10.2019, passed by Respondent No. 4, namely The Sub-divisional Officer, Sadar, Gaya cancelling P.D.S. Licence No. 07 of 2016 of the petitioner, is quashed and set aside, with liberty to the petitioner to approach Respondent No. 4 afresh.

Petition is disposed of in the following terms:

(a) The petitioner shall make himself available before the The Sub-divisional Officer, Sadar, Gaya on 31.01.2022;

(b) On the said date, the entire material shall be supplied to the petitioner;

(c) Within two weeks thereafter, petitioner shall file response, complete in all respects;

(d) Petitioner shall fully cooperate and not take any unnecessary adjournment;

(e) The officer shall pass an order assigning reasons within a period of three months thereafter;

(f) While considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

(g) Liberty reserved to the petitioner to challenge the order, should the need so arise subsequently.

The petition is disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

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