

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12971 of 2021

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Upendra Goswami @ Upendra Nath @ Upendranath Goswami, S/o-Late Darbari Goswami Resident of-Nemdarganj, Indaul, P.S.-Akbarpur, District-Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate, Nawada.
3. The Sub Divisional Officer, Rajauli, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Preety Kunwar, Advocate
For the Respondent/s : Mr.S. Raza Ahmad, AAG-5

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

(The proceedings of the Court are being conducted by Hon'ble the Chief Justice/Hon'ble Judges through Video Conferencing from their residential offices/residences. Also the Advocates and the Staffs joined the proceedings through Video Conferencing from their residences/offices.)

2 07-01-2022 Petitioner has prayed for the following relief(s):

“For quashing the Order dated 25.06.2021 passed by the S.D.O., Rajauli, Nawada by which the P.D.S License No.299/17 of the petitioner has been cancelled.”

The impugned order dated 25th June, 2021, passed by Respondent No. 3, namely Sub-divisional Officer, Rajauli, Nawada, 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 25th June, 2021, passed by Respondent No. 3, namely Sub-divisional Officer, Rajauli, Nawada, cancelling P.D.S. Licence No. 299 of 2017 of the petitioner, is quashed and set aside, with liberty to the petitioner to approach Respondent No. 3 afresh.

Petition is disposed of in the following terms:

(a) The petitioner shall make himself available before the Sub-divisional Officer, Rajauli, Nawada on 28.01.2022;

(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)

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