

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13113 of 2021

Shiv Shankar Das S/o Ram Pragash Das, Resident of Village - Birauli Khurd,
Ward No. 03, P.S. Pusa, District - Samastipur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate, Samastipur.
3. The Sub Divisional Officer, Samastipur.
4. The Senior Deputy Collector Cum Senior Officer in Charge, Pusa, Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Preety Kunwar, Advocate
For the Respondent/s	:	Mr. S. Raza Ahmad, AAG-5 Mr. Alok Ranjan, Advocate

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 13-01-2022 Petitioner has prayed for the following relief(s):

“For quashing the Order dated 09-06-2021 passed by the S.D.O., Samastipur by which P.D.S. License No. 201/2008 of the petitioner has been cancelled.”

The impugned order dated 9th June, 2021, passed by
Respondent No. 3, namely The Sub-divisional Officer,



Samastipur, 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 9th June, 2021, passed by Respondent No. 3, namely The Sub-divisional Officer, Samastipur cancelling P.D.S. Licence No. 201 of 2008 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 The Sub-divisional Officer, Samastipur 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)

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