

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14227 of 2021

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Krishnandan Sharma S/o Late Jugeshwar Sharma Resident of Village-Darhata, Panchayat-nadaura, P.S.-Kurtha, District-Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Commissioner, Magadh Division, Gaya.
3. The Collector, Arwal.
4. The Sub Divisional Officer, Arwal
5. The Assistant District Supply Officer, Arwal.
6. Block Supply Officer, Kurtha.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.N.K. Agrawal, Advocate Dhananjaya Nath Tiwari, Advocate
For the Respondent/s	:	Mr.Arvind Ujjwal (SC 4)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(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.)

Date : 17-01-2022

Petitioner has prayed for the following relief(s):

“That the present writ application is being filed on behalf of the sole petitioner above named for setting aside the order dated 15.02.2017 passed in Case No.3/2016 by the learned S.D.O., Arwal by which he was pleased to cancel the PDS license of the petitioner being license no.4/1987 granted under the provisions of Bihar Trade Articles



Licenses Unification Order, 1984 for carrying on business of Fair Price Shop, has been cancelled and further for quashing the appellate order dated 26.05.2018 passed in Supply Appeal No.04/DM/2017 passed by the learned Collector, Arwal by which he was pleased to dismiss the statutory appeal filed on behalf of the petitioner and further for quashing the order dated 26.04.2021 passed in Revision Case No.128/2018 by the learned Commissioner, Magadh Division, Gaya by which he dismissed the Revision application filed on behalf of the petitioner and affirmed the order of the learned S.D.O. dated 15.02.2017 and further be pleased to restore the PDS License of the petitioner and also restore the supply of the petitioner.”

The impugned order dated 15.02.2017, passed by Respondent No. 4, namely The Sub-divisional Officer, Arwal, 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 15.02.2017, passed by Respondent No. 4, namely The Sub-divisional Officer, Arwal, cancelling P.D.S. Licence No. 4 of 1987 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, Arwal on 07.02.2022 along with a copy of this order;



(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)

K.C.Jha/DKS/-

AFR/NAFR	
CAV DATE	
Uploading Date	19.01.2022
Transmission Date	

