

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19533 of 2021

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Md. Muslim @ Md. Muslim Miyan S/o Najir Miyan R/o Village- Basura,
P.S.- Imamganj, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Food and Consumer Protection, Bihar, Patna.
2. The District Magistrate Gaya.
3. The Sub Divisional Officer Sherghati, Gaya.
4. The District Supply Officer Gaya.
5. The Assistant Supply Officer Sherghati (Gaya).
6. The Block Supply Officer Sherghati, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha
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 : 01-02-2022

Heard learned counsel for the parties.

Petitioner has prayed for following reliefs:-

- (I) To issue an appropriate order/s, direction/s including a writ preferably in the nature of CERTIORARI for quashing of the order dated 18-01-2020 as contained in record of Supply Case No. 25/2020 passed by the learned S.D.O. Sherghati, Gaya (Hereinafter referred to as Licensing Authority

under the Bihar Targeted Public Distribution System (Control) order 2016) whereby and where under he has cancelled the fair price shop license of the petitioner vide License No. 32/ 2016.

- (II) To direct the respondent NO. 03 the S.D.O., Sherghati, Gaya to restore the P.D.S. dealership license of the petitioner henceforth with taking into the consideration that the same is only means of earning livelihood.
- (III) To any other relief/s to which the petitioner may be found entitled in the facts and circumstances of the case.

The impugned order dated 18.01.2020 passed by Respondent No. 3, namely, the Sub-Divisional Officer, Sherghati (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 18.01.2020 passed by Respondent No. 3, namely, the Sub-Divisional Officer, Sherghati (Gaya) cancelling P.D.S. Licence No. 32/2016 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, Sadar, Gaya on 18.02.2022;
- (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	
CAV DATE	
Uploading Date	
Transmission Date	