

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19938 of 2021

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Nandlal Prasad Yadav, S/o Late Villa Ray, Resident of Village - Kundal, P.S. -
Runnisaidpur, District - Sitamarhi, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate, Sitamarhi.
3. The Sub Divisional Officer, Sitamarhi Sadar.
4. The Block Supply Officer, Runnisaidpur, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Preety Kunwar, 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 MR. JUSTICE S. KUMAR)

(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 : 03-02-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

“1. That the present writ application in is being filed on behalf of the petitioner for quashing the Memo No. 529 dated 14.07.2021 passed by the S.D.O., Sitamarhi Sadar by which P.D.S. License No. 60/08-12 of the petitioner has been suspended due to institution of a F.I.R. U/s. 7 of the Essential Commodities against the petitioner and /also the Memo no. 853 dated 04.10.2021 passed by the S.D.O. Sitamarhi Sadar by which finally the above P.D.S.

License of the petitioner has been cancelled.”

The impugned order dated 14.07.2021 passed by Respondent No. 3, namely, the Sub-Divisional Officer, Sitamarhi Sadar 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 14.07.2021 passed by Respondent No. 3, namely, the Sub-Divisional Officer, Sitamarhi Sadar cancelling P.D.S. Licence No. 60/08-12 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 24.02.2022;
- (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	