

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20342 of 2021

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Gita Devi @ Geeta Devi Wife of Amrit Prasad Gupta, Resident of Village -
Amawan, P.S. - Rajauli, District - Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Sub-Divisional Officer, Rajauli, Nawada.
3. The Block Supply Officer, Rajauli, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agarwal, Sr. Advocate Mr. Vijay Anand, Advocate
For the Respondent/s	:	Mr. Arvind Ujjwal (Sc4)

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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 : 08-02-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“That the present writ application is being filed
in the nature of certiorari for challenging the order
dated 12.11.2020 passed by the Learned S.D.O.
Rajauli fully contained in the Memo No. 1871
whereby and whereunder the License granted to
petitioner for carried out a business of a Public
Distribution shop in village Karikhap, Panchayat
Amawan West, P.S. Rajauli, District-Nawada was
cancelled on the ground that the show cause was
issued to the petitioner on 5.5. 2020 but she failed

to respond the same.”

The impugned order dated 12.11.2020, passed by Respondent No. 2, namely, the Sub-Divisional Officer, Rajauli, Nawada 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 12.11.2020, passed by Respondent No. 2, namely, the Sub-Divisional Officer, Rajauli, Nawada cancelling P.D.S. Licence No. 94/17 of the petitioner, is quashed and set aside, with liberty to the petitioner to approach Respondent No. 2 afresh.

Petition is disposed of in the following terms:

(a) The petitioner shall make himself available before the the Sub-Divisional Officer, Rajauli, Nawada 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)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.02.2022
Transmission Date	NA