

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19498 of 2019

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Ram Chandra Sah, Son of Late Moujelal Sah, Resident of Village-
Bahramnagar P.S. Unnisaidpur District Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrare Sitamarhi.
2. The Distirct Magistrate, Sitamarhi.
3. The Sub-Divisional Officer Sitamarhi Sadar District Sitamarhi.
4. The Distirct Supply Officer, Sitamarhi.
5. The Block Officer Runnisaidpur Block District Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kumari Sujata Sinha
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

3 03-08-2022 Heard learned counsel for the parties.

The license of the petitioner was earlier cancelled, against which he had preferred an appeal before the District Magistrate-cum-Collector, Sitamarhi *vide* Supply Appeal No. 109 of 2016. That appeal also was dismissed. Against the aforesaid order passed by the Appellate Authority, the petitioner moved this Court *vide* C.W.J.C. No. 20332 of 2018.

A Bench of this Court on finding that the petitioner



was given only 3 days time to represent his cause, found that the petitioner did not get sufficient opportunity to represent his case. As such, the order of the Appellate Authority as well as the Licensing Authority was set aside and the matter was remitted to the Sub-Divisional Officer, Sitamarhi/Licensing Officer to proceed further in accordance with law.

In the background of the aforesaid direction, a notice is said to have been issued to the petitioner, which the petitioner has never received. Resultantly, the petitioner could not respond to the aforesaid notice and that being the situation, the license of the petitioner was again cancelled *vide* order dated 30.04.2019.

The sole contention of the learned counsel for the petitioner is that in the present instance, the petitioner was totally unaware that a proceeding had been initiated against him or else he would surely have responded.

The order impugned in the present petition further reflects that the notice along with the inquiry report was issued to the petitioner, but there is no finding that the same



was served upon him.

In that view of the matter, we have been persuaded to set aside the order impugned dated 30.04.2019.

The matter is again remitted to the Licensing Authority to issue a fresh notice to the petitioner within a period of 30 days from the receipt/production of a copy of this order along with the inquiry report and only after giving sufficient opportunity to the petitioner to represent his case, a final order shall be passed within the next 60 days, giving reasons in support of the aforesaid decision.

The order so passed by the Authority shall be made available to the petitioner forthwith.

With the aforesaid direction/observation, the writ petition stands disposed of.

(Ashutosh Kumar, J)

(Jitendra Kumar, J)

skm/ashishkr/-

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