

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20570 of 2019

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Manjurul Hassan S/o Late Noor Hassan @ Noor Hassan Ahmad, R/O-
village- Mahuli, P.S.- Taraiya, District- Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Food and Civil Supply Government of Bihar, Patna.
2. The Principal Secretary Food and Civil Supply, Bihar, Patna.
3. The District Magistrate, Saran at Chapra.
4. The Sub-divisional Officer, Madhaura, Saran.
5. The Assistant Supply Officer, Madhaura, Saran.
6. The Block Supply Officer, Isuapur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Ranjan, Advocate
For the Respondent/s : Mr. S. Raza Ahmad (AAG 5)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 23-11-2022

Heard the learned counsel for the petitioner and

the State.

For the reason of the petitioner having been made

accused in a criminal case, a show cause notice was

issued to him by the licensing authority, invoking the

provision contained in Clause-28 of the Bihar Targeted

Public Distribution System (Control) Order, 2016.



However, the petitioner was never served. The impugned order of cancellation, however, lists that the family members of the petitioner refused to take notice as one the grounds for deciding the case against the petitioner. The appellate order also has sustained the order of cancellation.

On going through the records, however, we are of the view that interest of the justice would be met if the defense/view-point of the petitioner also is taken into account before taking a final call, whether the petitioner is entitled to be retained as a licensee or not.

For this very reason, we set aside the orders passed by the licensing authority as also the appellate authority. But without going into the question whether the licensing authority was justified in proceeding *ex-parte*, we remit it to the licensing authority to issue a fresh notice to the petitioner within 15 days on the receipt/production of a copy of this order, giving 30 days' time to the petitioner to present his cause. On the



receipt of the reply of the petitioner, the licensing authority shall, after adverting to the same, pass an order within the next 30 days, giving reasons in support of the same.

We have remitted this case to the licensing authority for the reason, as noted-above, that it would only be fair that the aggrieved party is heard before an order is passed against him.

The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

Mahesh/HR

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	28/11/2022
Transmission Date	N/A

