

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4548 of 2023

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Lato Yadav S/o Kamal Yadav, Resident of Village - Durdih, Dudi, P.S. -
Ramgarh Chowk, District - Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary of Food Processing and Public Distribution System, Department, Bihar - Patna.
2. The Secretary Food processing and Public Distribution System Bihar, Patna.
3. The Divisional Commissioner Munger.
4. The Collector, Lakhisarai.
5. The Sub divisional Development Officer, Lakhisarai, Cum Sub Divisional Supply Officer Lakhisarai.
6. The District Supply Officer Lakhisarai.
7. The Block Development Officer Block Suryagarh, District - Lakhisarai.
8. The Block Supply Officer, Block - Ramgarh Chowk, District - Lakhisarai.
9. The Block Development Officer, Block - Halsi, District - Lakhisarai.
10. The Assistant District Supply Officer, Lakhisarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Adv.
For the Respondent/s : Mr. U.P. Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH SHARMA

ORAL JUDGMENT

Date : 25-04-2023

1. Heard the parties.

2. Learned counsel for the petitioner submits

that the inspection of his shop was done by an unauthorized



person who has wrongfully raised objections regarding his distribution. The petitioner, as a license holder for Ramgarh Chowk, was not obliged to provide Register to an inspector who was not having any authorization and jurisdiction to conduct inspection of his shop. The petitioner raised this objection in appeal before the Collector who has failed to examine the same and has rejected the appeal relying upon the self-same reasons as given out by the S.D.O.

3. Learned counsel for respondents submits that the matter should be remanded.

4. In the opinion of this Court, the very basis of show-cause notice is the inspection conducted by an authority who did not have the jurisdiction to conduct the inspection. In view thereof, there is no purpose of sending the matter to the Collector or to the S.D.O. as the show-cause notice is based on an inspection report which is clearly illegal.

5. In view thereof, the orders passed by the S.D.O. as well as the Collector are *non est*. The same are accordingly, quashed and set aside. The license is restored and the petitioner is allowed to pursue his shop.

6. As such, the writ petition stands allowed.



7. No cost.

(Sanjeev Prakash Sharma, J)

Suraj/-
Item No. 36

AFR/NAFR	
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