

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7650 of 2019

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Anita Devi Wife of Kapildev Prasad Yadav Resident of Village- Pasarhi,
Village Panchayat- Bisiyait, Police Station- Meskaur, District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate Nawada.
3. The Sub- Divisional Officer Rajauli, District- Nawada.
4. The Block Supply Officer Meskaur, Dist.- Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Binay Kumar, Adv.
For the Respondent/s : Mr.Upendra Pratap Singh(Sc4)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

2 02-01-2023 Heard Mr. Binay Kumar, the learned Advocate

for the petitioner and Mr. Upendra Pratap Singh, the

learned counsel for the State.

The licence of the petitioner was suspended

under Rule 28 of the Bihar Targeted Public Distribution

System (Control Order, 2016) for her having been made

accused in the criminal case involving breach of Essential

Commodities Act of 1955.

The petitioner was given a show cause notice and



was given three days' time to respond to the notice to which she did not reply.

No plausible reason has been assigned except for a lesser window-time to her to represent her cause, but according to the counsel representing the respondents, the order of cancellation ultimately was passed much later.

Mr. Upendra Pratap Singh, the learned counsel for the respondents submits that had the petitioner replied even beyond the stipulated time, that could have been considered, but her not having done so precludes her from agitating the same cause before this Court.

After having heard the parties, we are of the view that an opportunity ought to be given to the petitioner to represent her cause.

For such reason, we, for the present, set-aside the order cancelling the license of the petitioner and remit the matter to the Licensing Authority to pass a fresh order after adverting to the reply which shall be filed by the petitioner within a period of 30 days from the date of passing of this order. The Licensing Authority shall pass a



final order within next 60 days, giving reasons in support of the same.

With the afore-noted observation/ direction, the writ petition stands dismissed.

(Ashutosh Kumar, J)

Sharun/-
Praveen

(Satyavrat Verma, J)

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