

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15233 of 2022

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Madhu Kumari, C/o Janmejay Singh, R/o-Village-Bakhriya, Panchayat-Rampur Sundiya, Block-Ara Sadar, P.O.-Belghat Baluaa, District-Bhojpur.

... .. 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, Government of Bihar, Patna.
3. The District Magistrate, Bhojpur.
4. The District Supply Officer, Bhojpur.
5. The Sub-Divisional Officer, Sadar Ara, Bhojpur,
6. The Assistant District Supply Officer, Sadar Ara.
7. The Block Supply Officer, Sandesh Sadar Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Alok Ranjan- Advocate
For the State	:	Mr. Upendra Pratap Singh- Advocate

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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 07-02-2023 Heard, Mr. Alok Ranjan, the learned Advocate

for the petitioner and Mr. Upendra Pratap Singh, the

learned Advocate for the State.

The licence of the petitioner has been cancelled,

which order has been affirmed by the Appellate

Authority.

It has been submitted on behalf of the



petitioner that even though the petitioner had replied to the notice issued to her dated 16.06.2022 within time, but the Licensing Authority had held while cancelling the licence of the petitioner that the petitioner had not replied to the show-cause notice.

In support of the contention of the petitioner, a document has been shown at Annexure-2, which reflects that the reply filed by the petitioner was received on 22.06.2022. However, the endorsement made on the reply could be self-generated as well.

Nonetheless, when this issue was raised by the petitioner before the Appellate Authority, the same was never addressed.

Considering the importance of taking into account, the defence of the noticee, we are of the view that one opportunity ought to be given to the petitioner to explain her cause.

For the afore-noted reason only, the order passed by the Licensing Authority as well as the



Appellate Authority are quashed.

The matter is remitted to Licensing Authority for passing a fresh order in accordance with law after taking into account the explanation offered by the petitioner.

For the sake of certainty, the Licensing Authority shall permit the petitioner to file a fresh show-cause notice, in case, the same is not on record of the Licensing Authority.

The final order giving reasons in support of its conclusion shall be passed within a period of 60 days from the date of receipt/ production of a copy of this order.

The petition stands disposed off.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

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