

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21275 of 2019

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Ram Chandra Prasad Yadav @ Ram Chandra Yadav S/o Late Shivsahay
Yadav Resident of Village- Tola Charka Pather, P.S. Fatehpur, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate, Gaya.
3. The SDO, Sadar Gaya.
4. The Block Supply Officer, Fatehpur, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate
For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC4

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 17-02-2023 Heard Mr. Vijay Anand, learned counsel appearing on

behalf of the petitioner and Mr. Upendra Pratap Singh, learned

AC to SC-4 for the State.

2. In the present writ application, the petitioner has

prayed for following relief:

“(i) Challenging the order dated 6.8.2019 passed by District Magistrate Gaya in Supply Appeal No. 9/2018 whereby and where-under the Supply appeal preferred by the petitioner against the order of cancellation of license dated 10.11.2017 passed by S.D.O. Sadar Gaya was dismissed.

(ii) Challenging the order dated 10.11.2017 passed by SDO Sadar Gaya fully contained in Memo No.736/गो(आ) whereby and where-under the License granted to the petitioner being License No. 31/16 (New) 46/07 (old) for carried out the business of PDS shop within the Panchayat Jaipur Block Fatehpur, District Gaya was cancelled.

(iii) Direct the Respondent Authority



especially Respondent No.3 to Restore the Allotment to the PDS License of the petitioner with immediate effect”.

3. Learned counsel appearing on behalf of the petitioner submitted that the order contained in Memo No. 736, dated 10.11.2017 is without jurisdiction and passed on the basis of the direction issued by the District Magistrate without issuing any show cause notice to the petitioner.

4. On perusal of the order dated 10.11.2017, it appears that on the basis of the direction of the District Magistrate show cause notice was issued. On perusal of the order dated 10.11.2017, it appears that the same has been passed without application of mind in terms of the direction of District Magistrate.

5. The District Magistrate, Gaya is directed to hold inquiry with respect to the records of P.D.S. License No. 46 of 2007 and pass a fresh order after giving opportunity to the petitioner in accordance with law.

6. With the above observations and directions, the present writ application stands disposed of.

(Purnendu Singh, J)

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