

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15287 of 2018

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Deoraj Prasad @ Deoraj Yadav Son of Reva Yadav, Resident of Village-Kharauna, Village Panchayat-Barsauna, Police Station-Tankuppa, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar at Patna.
2. The District Magistrate, Gaya.
3. Additional Collector Land Reform, Tikari, Dist.-Gaya.
4. The Sub Divisional Officer, Sadar Gaya, Dist.-Gaya.
5. The Block Supply Officer, Fatehpur, Dist.-Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Adv.

For the Respondent/s : Mr. Anisul Haque, AC to-AAG5

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 30-01-2023

Mr. Binay Kumar, learned Advocate for the petitioner has drawn the attention of this Court to the order impugned dated 12th July, 2018 passed by the Licensing Authority, cancelling the licence of the petitioner which clearly demonstrates that such order has been passed in the absence of any explanation of the petitioner.

It appears from the impugned order that



pursuant to an inquiry and the contemplation of the Department to proceed against the dealer/petitioner, a show-cause notice was issued to him which was replied. However, when the reply was not found to be satisfactory, again a notice was issued to him, making available the statement of the beneficiaries as well as the report submitted by Block Supply Officer, Fatehpur, Gaya which disclosed irregularities in conducting the PDS shop.

The aforementioned notice, in the second instance, was not replied.

Though Mr. Binay Kumar has frankly conceded that such second notice was served upon the petitioner but for reasons, which he is not able to explain, the same was not replied.

We are of the considered view that the petitioner must get an opportunity of confronting the materials which have been collected against him either through the mouth of the beneficiaries or in the report of



the Block Supply Officer.

There could be no justification for the petitioner not replying to such show-cause notice but, for the larger interest of justice, we allow for such concession to be given to the petitioner.

The order impugned is set aside. The matter is remitted to the Licensing Authority who will accept the show-cause reply of the petitioner and shall pass a reasoned order within a period of sixty days, to be counted from the date of receipt/production of a copy of this order along with the show-cause reply by the petitioner.

With the aforementioned direction/observation, the petition is allowed and disposed of.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

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CAV DATE	NA
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