

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7250 of 2019

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Gauri Shankar Mishra S/o Late Bhuvaneshwar Mishra Resident of Village-
Lakshman Nagar, P.S.-Gaighat District-Muzaffarpur, Chairman Pacs
Lakshman Nagar, P.S.-Gaighat, District-Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna
2. The Collector, Muzaffarpur
3. The Sub Divisional Officer (East), Muzaffarpur
4. The Block Supply Officer, Gaighat Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Adv.
For the Respondent/s : Mr. Arvind Ujjwal (Sc4)

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

- 2 06-02-2024 1. The present writ petition has been filed for quashing the order dated 29.10.2018 passed by the Sub-Divisional Officer (East), Muzaffarpur, whereby and where under the P.D.S. license of the shop of the petitioner has been cancelled.
2. The learned counsel for the petitioner submits that the only ground for cancellation of the license of the petitioner is that the shop of the petitioner was found closed on one day when the inspection had taken place.
3. The learned counsel for the petitioner has relied upon a judgment rendered by the Division Bench of this Court reported in **2012(3) PLJR 583 (Turant Lal Paswan vs. The State of Bihar)**.
4. The learned counsel appearing for the respondents does



not dispute the position existing in law.

5. We find that admittedly the petitioner did close the shop on the particular day. Though, the action of keeping the shop closed on one particular day was in breach of the terms and conditions of the licence and may not be justified, was not such grave violation that would entail cancellation of licence.

6. Having regard to the facts and circumstances of the case as also having regard to the judgment rendered by the learned Division Bench in the case of Turant Lal Paswan (supra), the order dated 29.10.2018, passed by the Sub Divisional Officer (East), Muzaffarpur is quashed.

7. The writ petition stands allowed.

(A. Abhishek Reddy , J)

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