

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19476 of 2013

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MADAN SAO, SON OF LATE SHEO BARAT SAO, RESIDENT OF VILLAGE
JAKHIM, GRAM PANCHAYAT KAJHPA, RAFIGANJ, AURANGABAD.

.... Petitioner

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. N.K.Agrawal, Sr. Advocate
And Mr. A.Sinha, Advocate

For the Respondent/s : Mr. N.K.Jha, AC to GP21

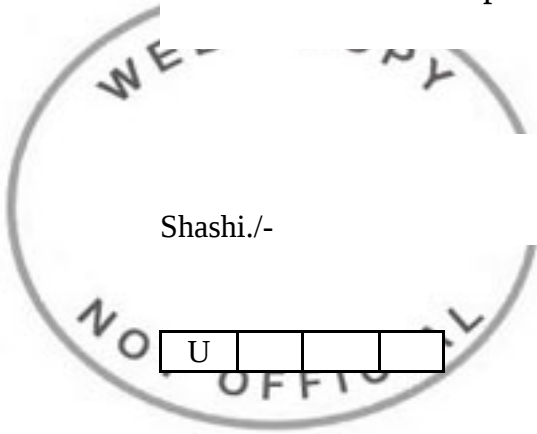
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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH**
ORAL ORDER

2 08-09-2015 The petitioner is a PDS dealer bearing Licence no.2/R/88. Pursuant to inspection show cause notice was issued to SDO, Aurangabad asking the cause as to why license be not suspended/cancelled. After considering the case, the license of the petitioner was cancelled. Learned counsel submits that show cause should be specific as to whether the licensing authority proposes to cancel the licence or to suspend the same. The licensing authority cannot proceed in both way, as the punishment is an alternative punishment. He refers to a Division bench decision in case of Bhola Prasad Yadav Vs. The State of Bihar and others, reported in 2010(3) PLJR 825.

In this view of the matter, the show cause notice dated 18.3.2011 is vague and defective and accordingly the

impugned orders are set aside with liberty to the respondents
to proceed afresh in accordance with law.



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(Samarendra Pratap Singh, J)