

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5033 of 2014

- =====
1. Akhtar Husain Son Of Late Hira Resident Of Village - Harpur Chandi,
P.S. Charpokhari, District - Bhojpur
2. Akhtar Husain Son Of Late Hira Resident Of Village - Harpur Chandi,
P.S. Charpokhari, District – Bhojpur Petitioners
- Versus
1. The State Of Bihar Through The Principal Secretary, Food And Civil
Supply Government Of Bihar, Patna
2. The Divisional Commissioner, Patna Division, Patna
3. The District Magistrate, Bhojpur
4. The Sub - Divisional Officer, Bhojpur
5. The Block Development Officer, Garhani - Cum - Incharge Block
Supply Officer, District - Bhojpur
6. The Block Supply Inspector, Garhani, District - Bhojpur
.... Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Ram Subhas Singh, Advocate
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

3 12-10-2015 The petitioners have prayed for quashing the order dated

10.12.2013/10.1.2014, passed by respondent no. 2, confirming

appellate order and the order of respondent no.4 dated

27.8.2003, by which his PDS licence has been cancelled.

The petitioners submit that the show-cause notice itself
was defective, as it did not mention the proposed punishment, in
case the show-cause reply is not found satisfactory. Reliance
has been placed on a decision in case of P.K.Primary
Agriculture Co-operative Society Ltd. and others Vs. The State
of Bihar and others, reported in 2015(3) PLJR 189 in which it
has been observed that Clause 7(ii) of the Bihar Fair Price

Shops Order, 2007 clearly defers passing of order of cancellation unless preceded with a notice of proposed cancellation.

In the result, this writ application succeeds. The impugned orders are set aside, subject to any fresh right created in the meantime. The licensing authority would be at liberty to proceed afresh in accordance with law.

(Samarendra Pratap Singh, J)

Shashi.

U			
---	--	--	--