

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4760 of 2014

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Ram Chandra Singh S/O Late Sarb Narayan Singh Resident Of Village
Panch Gachia, Police Station And Block Sattar Kataiya, District Saharsa

.... Petitioner

Versus

1. The State Of Bihar Through The Principal Secretary-Cum-Commissioner, Food, Supply And Commerce Department, Old Secretariat, Patna.
2. The District Magistrate-Cum-District Supply Officer, Saharsa, District Saharsa.
3. The Sub Divisional Officer Cum Licensing Authority, District Saharsa.
4. The Block Supply Officer, Sattar Kataiya, District Saharsa.
5. The Block Development Officer, Sattar Kataiya, District Saharsa

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Kumar Ravi Shankar, Advocate

For the Respondent/s : Mr. P.N.Shahi, AAG 10.

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

2 18-09-2015 The petitioner prays for quashing of order dated 18.8.2011, passed by respondent no.3 by which his PDS license no.259 of 2006 has been cancelled, as well as appellate order dated 11.11.2011 and revisional order dated 3.1.2014 affirming the order passed by respondent no.3.

The petitioner has assailed the orders on three grounds, namely, (1) the show cause was itself defective as it did not state the proposed punishment in case its reply is not found satisfactory (2) a copy of enquiry report was not served on him and (3) his licence has been cancelled without affording him opportunity to file his reply. With respect to the last ground, the

petitioner submits that he was ill and undergoing treatment in Supaul Hospital at the relevant time and as such he could not file his reply in time. A copy of the medical prescription is annexed as Annexure 3 series.

Counter affidavit has been filed on behalf of the respondents. It appears that the respondents have justified the impugned action against the petitioner. They submit that as the petitioner did not file show cause reply, the impugned order cancelling his licence was passed on the ground of violation of terms of license.

I find that the show cause was itself defective as it did not state the proposed punishment sought to be inflicted on the petitioner, so that he may file effective reply. In the result, the writ petition succeeds and the impugned orders are set aside with liberty to the respondents to proceed in accordance with law.

(Samarendra Pratap Singh, J)

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