

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11371 of 2014

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1. Ram Janam Singh aged about 63 years S/o Late Yadu Nandan Resident of Village Repura, Rampur, Vaishwanath, Police Station Saraiya, Post Office Saraiya, District Muzaffarpur. Petitioner

Versus

1. The State of Bihar through Principal Secretary, Consumer Protection Department, Government of Bihar, Patna.
 2. The District Magistrate, Muzaffarpur.
 3. The Sub Divisional Officer, Muzaffarpur (West), Muzaffarpur.
 4. The Block Supply Officer, Saraiya, Muzaffarpur. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Advocate
 For the Respondent/s : Mr. Gyan Prakash Ojha, Gp22

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH

ORAL ORDER

4 30-10-2015 Heard learned counsel for the petitioner and the State.

The petitioner holds PDS licence. He seeks quashing of the order dated 19.4.2014 as contained in memo no.391 issued by the Sub-Divisional Officer, Muzaffarpur (West).

The petitioner submits that he was earlier issued show cause notice dated 22.2.2014 as he failed to lift the food grains for the month of August, September and October, 2013. However, the irregularity was condoned by order dated 12.3.2014. The petitioner submits that again vide order dated 1.4.2014, the petitioner was asked to submit show cause reply as to why licence be not cancelled on account of certain irregularity pointed out in the show cause notice. The show cause notice dated 1.4.2014 was followed by impugned order dated 19.4.2014 cancelling the

licence.

The petitioner makes two submissions. Firstly, he submits that 24 hours time is too shorter period to file effective show cause reply and secondly the impugned order traversed beyond the grounds mentioned in the show cause notice.

Counsel for the State submits that the petitioner has an alternative remedy of appeal under 2007 Order as amended in the year 2011.

I find that by the show cause notice, dated 1.4.2014, the petitioner was granted only 24 hours time to file his show cause reply. In my view, such time is not only inadequate but is unreasonable and it deprived the licensee to file an effective reply. Such show cause notice is also violative of principles of natural justice. I further find that the impugned order has traversed beyond the grounds and irregularity pointed out in the show cause notice.

In the result, this writ application is allowed. The impugned order cancelling the license of the petitioner is set aside. It would be open for the licensing authority to issue a fresh show cause notice and to proceed in accordance with law.

(Samarendra Pratap Singh, J)

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