

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15597 of 2013

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Madandhari Paswan

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

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

Mr. Vijay Anand, Advocate

Mr. Anujit Sinha, Advocate

For the Respondent/s : Mr. Shyameshwar Kr. Singh. AC to GP 12

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH
ORAL ORDER

2 14-09-2015 The petitioner is a PDS dealer, who seeks setting aside the order dated 3.7.2013 passed by the Sub Divisional Officer, Paliganj whereby his PDS licence has been cancelled.

Learned counsel for the petitioner submits that the show cause notice dated 15.6.2013 is itself defective as it does not mention the punishment proposed to be awarded.

It has been repeatedly held by this Court that in PDS matter, the respondents should propose the punishment sought to be awarded in case if the show cause notice is not found satisfactory.

In this view of the matter, the impugned order dated 3.7.2013 passed by the Sub Divisional Officer, Paliganj is set aside and the matter is remitted to the licensing authority to issue a fresh show cause notice within six weeks in accordance with law.

However, there would be no resumption of supply pending adjudication of the matter.

In the result, this writ application is allowed.

(Samarendra Pratap Singh, J)

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