

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11861 of 2012

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Paras Nath Singh S/O Late Rama Singh Resident Of Village - Goraul, P.S. Goraul, Distt. Vaishali At Hajipur (An Ex-P.D.S. Dealer Of Goraul Bhagwanpur - Panchayat , Block- Goraul Petitioner/s

Versus

1. The State Of Bihar Through Its Chief Secretary, Govt. Of Bihar, Old Secretariat, Patna
 2. The Principal Secretary, Food & Consumer Protection Deptt. Govt. Of Bihar, Old Secretariate, Patna
 3. The Special Execution Officer, Food Consumer Protection Deptt., Govt. Of Bihar, Old Secretariat Patna
 4. The District Magistrate-Cum-Chairman, District Level Selection Committee, Distt.- Vaishali At Hajipur
 5. The Sub Divisional Officer, Mahua, Distt. Vaishali At Hajipur
 6. The Block Supply Officer, Goraul, Distt - Vaishali
 7. The Block Supply Officer, Patepur, Distt.- Vaishali
 8. The Block Supply Officer, Jandaha, Distt. Vaishali Respondent/s
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Appearance :

For the Petitioner/s : Mr. Aditya Narayan

For the Respondent/s : Mr. Vinay Kriti Singh Sc5

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

3 04-08-2015 The petitioner prays to quash order dated 24.4.2012, passed by the Sub Divisional Officer, Mahua cancelling his PDS Licence no. 51 of 2007 issued under Goraul Panchayat, Police Station Goraul, Vaishali at Hajipur as well as directing respondent no.6 to institute FIR against him under section 7 of the EC Act.

Before I consider the submission of the petitioner, it would be necessary to notice the facts of the case.

Earlier, the petitioner had moved this Court vide C.W.J.C.No. 717 of 2011 against the cancellation of PDS



licence No. 51 of 2007 vide order dated 20.12.2010 of SDO, Mahua. This court on 5.7.2011 set aside the impugned order cancelling the licence of the petitioner as there was no stipulation in the show cause that in case the reply is not satisfactory, the licence would be cancelled. The stipulation in the show cause was to the extent that if the reply is not satisfactory, a criminal case would be instituted. However, the licencing authority cancelled the licence of the petitioner. A fresh show cause was issued in terms of order dated 5.7.2011.

I find that the order has been passed by the licencing authority after giving show cause notice. As such, I don not find order being passed without providing opportunity of hearing.

On being queried as to why the petitioner did not prefer statutory appeal against order dated 24.4.2012, it was replied that the order was without jurisdiction and without following the principle of natural justice. In support of his submissions, the petitioner referred to a Division bench decision of this Court dated 9.2.2015, rendered in LPA no. 1046 of 2012(Sri Niwas Choubey Vs. The State of Bihar and others).

There cannot be a dispute to the propositions of law laid down by the learned Division bench of this court. But herein I find that the licencing authority only after issuing of a show

cause and providing the petitioner with a copy of the enquiry report, passed the impugned order dated 19.3.2012. In such circumstances, it is difficult to accept the contentions of the petitioner.

In view of the discussions above, the petitioner would be at liberty to take resort to the remedy of appeal with respect to his grievances.

In case, an application for condonation of delay is filed, the appellate authority would consider the same sympathetically, as the petitioner was pursuing the remedy before this Court. It is expected that petitioner's appeal would be disposed of preferably within four months from the date of its filing.

The writ petition is thus disposed of.

(Samarendra Pratap Singh, J)

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