

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.17334 of 2013**

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Sunaina Devi Wife Of Shri Chandrika Sao Resident Of Village - Virnay,  
P.S. Wazirganj, District – Gaya ..... Petitioner

Versus

1. The State Of Bihar, Through The Principal Secretary, Department Of Food And Civil Supply, Government Of Bihar, Patna
  2. The District Magistrate, Gaya
  3. The Sub - Divisional Officer - Cum - Licensing Authority, Sadar Gaya
  4. The Block Supply Officer, Wazirganj, District - Gaya
- ..... Respondents
- =====

**Appearance :**

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the Respondent/s : Mr. Anjani Kumar, AAG 10

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH**  
**ORAL ORDER**

2      14-09-2015                      Heard learned counsel for the petitioner and the other side.

The petitioner seeks quashing of order of the SDO, Sadar Gaya, dated 22.9.2012, cancelling his PDS License no.83/2007.

The petitioner submits that the SDO while passing order did not issue him show cause and cancelled the PDS licence in view of institution of FIR. Learned counsel for the petitioner submits that after 23.6.2011 amendment, a license cannot be cancelled on the ground of institution of FIR.

Counter affidavit has been filed by the State. Respondents state that as the petitioner was absconding, show cause could not be served.

Plea of the petitioner that a PDS licence cannot be

cancelled due to pendency of a criminal case, is well covered by several decisions of this Court. In the result, the impugned order cancelling petitioner's license is set aside.

As the petitioner is in know-how of the show cause notice, she would file her reply before the Licensing officer within four weeks. The latter would proceed to dispose of the matter. In case, the petitioner does not find her show cause within four weeks, the Licensing officer would be within his right to proceed exparte in the matter.

There would be no resumption of supply in the meantime.

The writ petition is thus disposed of.

**(Samarendra Pratap Singh, J)**

Shashi.

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