

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.19481 of 2013**

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Mahendra Poddar, Son of Late Aklu Poddar, resident of Vilalge- Katiyama,  
P.O. Katrang, P.S.-Rajaun, District- Bank.

.... .... Petitioner.

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The Collector, Banka, District- Banka.
3. The Licensing Authority-cum-Sub-Divisional Officer, Banka, District- Banka.

.... .... Respondents

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**Appearance :**

For the Petitioner/s : Mr. Rajeev Kumar Labh, Advocate

For the Respondent/s : Mr. Vivekanand Singh, AC to GA-8

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

**ORAL ORDER**

2 18-09-2015

Heard learned counsel for the petitioner and the State.

The petitioner is a P.D.S. dealer, bearing license no.

03 of 1986, within Banka Sub-Division.

For various illegalities committed by the petitioner in course of distribution, he was show-caused for proposed punishment of suspension vide order dated 09.07.2011. Subsequent, thereto the license has been cancelled by order dated 28.09.2011. The appeal preferred against the order of cancellation of license, bearing Supply Appeal Case No. 85 of 2011-12, has also been rejected by order dated 15.07.2013.

Vide 2011 amendment notified on 23.06.2011, the provision of suspension of license was withdrawn, the show-cause

notice on this ground itself is bad. Furthermore, the show-cause notice was issued for proposed punishment of suspension of license and as such on this count also the license could not have been cancelled.

The case of the petitioner is fully covered under order dated 23.02.2010, passed in C.W.J.C. 255 of 2010 (Bhola Prasad Yadav Vs. The State of Bihar & Others) and order dated 07.12.2009 passed in C.W.J.C. No. 4979 of 2006 (Paspal Prasad Vs. The State of Bihar & Others).

In the result, the impugned orders of the Sub-Divisional Officer, Banka and the Collector, Banka, are set aside with liberty to the licensing authority to proceed afresh in accordance with law.

This application stands allowed.

**(Samarendra Pratap Singh, J.)**

Uday/-

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