

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14375 of 2012

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Smt. Savitri Devi, Wife of Binod Kumar Singh, Resident of Village -
Bhagwanpur, Gram Panchayat - Charma, P.S. - Masaurhi, District - Patna
..... Petitioner.

Versus

1. The State of Bihar, through District Magistrate, Patna.
2. The District Magistrate, Patna
3. The Sub-Divisional Officer, Masaurhi, Patna
4. The Block Development Officer, Masaurhi, Patna
5. The Block Supply Officer, Masaurhi, Patna
6. The Secretary, Sahaj Vasudha Kendra

..... Respondents.

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Appearance :

For the Petitioner/s : Mr. Parmanand Kumar, Advocate
For the Respondent/s : Mr. Roy Shivaji Nath, AAG-3

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

2 04-08-2015 The petitioner is P.D.S. dealer bearing License no.03
of 2007 under Masaurhi Block in the district of Patna. She seeks
quashing of letter dated 09.04.2012, whereby the licensing
authority has cancelled the P.D.S. license of the petitioner.

2. Learned counsel for the petitioner submits that the
show-cause was issued only for taking appropriate action under
Public Distribution System (Control) Order, 2001 and as such he
could not have cancelled the license, as there was no stipulation in
the show-cause that if explanation is not satisfactory, the license
would be cancelled. Learned counsel has relied upon decision in
case of Bhola Prasad Yadav Vs. The State of Bihar & Ors.,
reported in 2010 (3) PLJR 825.

3. I find that show-cause notice dated 23.11.2011 (Annexure-B to the counter affidavit) is general in nature and vague. The show-cause notice was not specifically for cancellation of license and as such the petitioner was deprived of an adequate opportunity to file an effective reply.

4. In the circumstances, the impugned order cancelling the P.D.S. license of the petitioner is set aside with liberty to the respondents to proceed afresh in accordance with law.

5. With the aforesaid observation, this application stands disposed of.

(Samarendra Pratap Singh, J.)

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