

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17830 of 2013

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Surendra Prasad Singh @ Surendra Prasad, aged about 48 years, son of Triloki Prasad, Resident of Village Kalyanpur, Police Station- Islampur, District- Nalanda

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Consumer Protection, Government of Bihar, Patna
2. The Principal Secretary, Department of Consumer Protection, Government of Bihar, Patna
3. The District Magistrate, Nalanda
4. The Sub Divisional Officer, Hilsa, District- Nalanda

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Advocate

For the Respondent/s : Mr. A.Ujjwal

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

5 14-09-2015 Heard learned counsel for the petitioner and the State.

The petitioner holds a P.D.S. license within Hilsa Sub-Division, in the district of Nalanda.

The petitioner has challenged the order dated 10.02.2012, passed by the Sub-Divisional Officer, Hilsa, Nalanda cancelling his P.D.S. license by way of interlocutory application bearing I.A. No.6992 of 2015.

The petitioner has also prayed for quashing the order dated 30.07.2013 passed by the Collector, Nalanda in Appeal No. 03 of 2013.

The petitioner submits that the show-cause notice itself was defective, as it did not mention the proposed punishment

in case the show-cause reply is not found satisfactory.

The contention of the petitioner has substance. This Court has observed that in matters of P.D.S. license, the authority issuing the show-cause notice must express the proposed punishment sought to be inflicted, which is absent in the instant case.

In the result, this writ application succeeds. The impugned orders are set aside. The licensing authority would be at liberty to proceed afresh in accordance with law.

This application stands allowed.

(Samarendra Pratap Singh, J.)

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