

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25456 of 2013

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Awadh Paswan

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar

For the Respondent/s : Mr. Pandey Sanjay Sahay

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

4 29-09-2015

The petitioner holds PDS licence bearing licence no.5/2002 within Noorsarai block in the district of Nalanda. The petitioner seeks quashing of order, dated 28.8.2012 passed by the Collector, Nalanda affirming the order dated 22.4.2006 passed by the Sub-Divisional Officer, Biharsharif.

The petitioner submits that the impugned order has been passed without providing him reasonable opportunity to place his case. He further submits that a copy of the enquiry report was also not served upon him.

Counsel for the State submits that the allegations against the petitioner have been found to be true by both the Courts.

I find that the show cause notice did not state the proposed punishment to be passed in case, if the show cause reply is not found satisfactory.

In this view of the matter, the show cause itself was

defective. As such the impugned order cancelling the licence which was affirmed in appeal are set aside. As the petitioner succeeds on technical point, there would not be automatic resumption of supply of trade articles. The matter is remitted to the licensing authority to issue a fresh show cause notice in accordance with law.

In the result, this writ application is allowed to the extent indicated above.

(Samarendra Pratap Singh, J)

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