

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17809 of 2016

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Parmeshwar Ram son of Sri Parsuram Ram resident of village Nawan, P.O. -
Dhanauti, P.S.- Shikarhata, District - Bhojpur.

.... Petitioner

Versus

1. The State of Bihar through the Divisional Commissioner, Bhojpur, Ara.
2. The Divisional Commissioner, Bhojpur Ara.
3. The District Magistrate, Bhojpur, Ara.
4. The Sub Divisional Officer, Piro, Bhojpur, Ara.
5. The District Supply Officer, Bhojpur Ara.
6. The Assistant District Supply Officer, Piro, Bhojpur.
7. The Block Development Officer, Trari, Bhojpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra, Advocate
Mr. Piyush Saurav, Advocate
For the Respondent/s : Mr. S. Raza Ahmed, AAG-5
Md. Anisul Haque, AC to AAG-5

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 01-12-2016

Heard parties.

The show cause notice was issued upon the petitioner vide Annexure-1 and 2 dated 29.12.2015 and 21.03.2016 respectively and, thereafter, his PDS licence has been cancelled vide Annexure-3 dated 19.09.2016 by the Sub-Divisional Officer-cum-Licensing Authority, Piro, Bhojpur.

Both the show cause notices do not disclose that they are being issued in contemplation of a proceeding for cancellation of licence of the petitioner. It is only stated that if no reply is given then FIR would be lodged and a proceeding would be drawn against him.

The issue is no longer *res integra* as it is well settled that,



for cancellation of P.D.S. licence under Clause 7 (ii) of the Public Distribution System (Control) Order, 2001, a show cause notice for proposed cancellation has to be issued so that a proper reply could be filed by the licensee. A vague notice, without specifying the purpose for which it is being issued, would not be sufficient. A reference in this regard is made to an unreported decision of this Court dated 1.09.2016 passed in CWJC No.13928 of 2016.

Accordingly, in my view, the order impugned is not sustainable in the eye of law.

As a result, this writ application succeeds. The impugned order dated 19.09.2016, as contained in Annexure-3, is quashed and set aside.

Since there was no notice for cancellation of licence, the petitioner's licence is to be restored immediately.

However, this order would not come in the way of the licensing authority in initiation of any fresh proceeding in accordance with law, if it so desires, but in such case a reasonable opportunity is required to be granted to the petitioner.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	02.02.2017
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