

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13936 of 2016

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Ramashish Prasad, S/o Late Sitaram Prasad, Resident of Village- Purani Bathan,
P.S.- Fatehpur, District- Gaya.

.... Petitioner

Versus

1. The State of Bihar through the Collector, Gaya.
2. The Collector, Gaya.
3. The Sub Divisional Officer, Sadar, Gaya.
4. The Block Supply Officer, Fatehpur, Gaya.

.... Respondents

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Appearance :

For the Petitioner : Mr. Dhananjaya Nath Tiwari, Advocate
For the State : Mr. Shashi Shekher Prasad Singh,
A.C. to G.A.6

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 24-11-2016

Heard parties.

Sole ground taken by the petitioner for assailing Annexure-3, which is an order dated 26.07.2016 passed by the Licensing Authority-cum-Sub-Divisional Officer, Sadar, Gaya cancelling the PDS licence, is that unless show cause notice issued to the petitioner discloses its purpose that it was being issued for a proceeding of cancellation of licence, such order would be bad.

This issue is no longer *res integra* as this Court on several occasions has held that unless specific notice is issued for cancellation of licence it cannot be held that adequate opportunity was granted to the licensee for making out his case as per the mandate of



Clause 7(ii) of the Public Distribution System (Control) Order, 2001.

A reference is made to an unreported judgment dated 12.07.2015 rendered by this Court in C.W.J.C. No.2488 of 2014 (Jagat Narayan Singh Vs. The State of Bihar & Ors.).

Accordingly, this writ application succeeds on the aforesaid sole ground. The impugned order as contained in Annexure-3 is quashed and set aside. As consequence thereof, the licence of the petitioner has to be restored immediately. However, this order would not come in the way of the Licensing Authority in launching a fresh proceeding if it comes to the conclusion that petitioner has violated any provision of the PDS (Control) Order, 2001 or terms and conditions of the licence etc. but in such case, reasonable opportunity would have to be granted to the petitioner.

(Dr. Ravi Ranjan, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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