

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8202 of 2016

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Raj Kumar Paswan 2 S/o Late Bishuni Paswan Resident of Village - Malpur,
Panchayat - Morsand, Block - Pusa, District - Samastipur.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate, Samastipur.
3. The Sub-Divisional Magistrate, Samastipur.
4. The District Supply Officer, Samastipur.
5. The Block Supply Officer, Block Pusa, District - Samastipur.
6. The Block Development Officer, Pusa Samastipur.

.... Respondents

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Appearance :

For the Petitioner : Mr. D.N.Tiwary, Advocate

For the Respondents : Mr. GP26- NIRBHAY KR.SINGH

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 20-12-2016

Heard parties.

Petitioner seeks quashing of Annexure 3 which is an order dated 26.02.2016 passed by the Sub-Divisional Officer – cum - Licensing Authority, Samastipur by which his PDS licence has been cancelled.

It is urged on behalf of the petitioner that order of cancellation has been passed without any notice for proposed cancellation and the notice issued as contained in Annexure 1 dated 1.9.2015 as well as Annexure 2 dated 3.2.2016 are vague and do not appear to have been issued in a proceeding for proposed



cancellation.

The issue is no longer *res integra* as the same stands considered in several decisions of this Court holding that such vague notice would not be sufficient and, as such, the order of cancellation would be bad. A reference is made to unreported judgments of this court dated 12.7.2016 by this Court in **C.W.J.C. No.2488 of 2014 (Jagat Narayan Singh Vs. the State of Bihar & Ors.)** and another in **C.W.J.C. No. 13928 of 2016 Shyama Devi vs. The State of Bihar and ors).**

As a result, this writ application succeeds. 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 initiating a fresh proceeding, if it so desires.

(Dr. Ravi Ranjan, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.03.2017
Transmission Date	NA

