

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11775 of 2015

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Naresh Lal Son of late Brahmdeo Lal Resident of Village- Gannipipara, Police Station- Fatehpur, District Gaya

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary Department of Food and consumers Protection, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Sub-Divisional Officer, Sadar Gaya, District Gaya.
4. The Block Supply Officer, Fatehpur ,Dist Gaya.
5. The Block Development Officer, Fatehpur Dist Gaya

.... Respondents

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Appearance :

For the Petitioner : Mr. Binay Kumar

For the State : Mr. A. Kumar, AC to AAG 8

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 11-08-2016

Heard learned counsel for the petitioner and the State.

Petitioner is aggrieved by the order dated 27.06.2015 passed by the Sub Divisional Officer-cum-Licensing Authority, Sadar, Gaya, contained in Annexure 3, by which his licence no. 57/2007 granting for running a PDS shop has been cancelled.

Sole ground taken by the petitioner at the time of hearing is that the show-cause notice issued for the said purpose a copy of which has been appended as Annexure 2 series is vague and it does not state that there is proposal of cancellation of licence of the petitioner.

The issue is no longer *res integra* having been considered and decided in several matters including the order dated 19.01.2016 passed by this Court in **C.W.J.C. No. 6826 of 2015(Arvind Paswan**

v. The State of Bihar and others) as well as the order dated 23.11.2015 passed in **C.W.J.C. No. 17079 of 2014(Birendra Paswan v. The State of Bihar and others).**

Annexure 1, which is the show-cause notice, indicates only to the extent that some action would be taken against the petitioner, however, since the proposal for cancellation is not being there it cannot be held that it was issued for that purpose and the order of cancellation would have to be considered without any notice having been issued which would not be only in violation of the Principles of Natural Justice but also against the mandatory provisions of Clause 7(ii) of the P.D.S. (Control) Order, 2011.

Accordingly, this writ application is allowed in terms of the aforesaid decisions and the impugned order contained in Annexure 3 is quashed and set aside.

However, the licensing authority, if it so desires, would be at liberty to initiate a fresh proceeding in accordance with law.

SC/-

(Dr. Ravi Ranjan, J)

AFR/NAFR	NAFR
CAV DATE	NA
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