

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15854 of 2015

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Bhagwat Mukhiya, Son of Late Ramfal Mukhiya, resident of village - Bhagta,
Police Station - Bheja, District - Madhubani.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Department of Consumer and Food Protection, Government of Bihar, Patna.
2. The Principal Secretary, Department of Consumer and Food Protection, Government of Bihar, Patna.
3. The District Magistrate, Madhubani.
4. The Sub Divisional Officer, Jhanjharpur.
5. The Block Supply Officer, Madhepur.

.... Respondents

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Appearance :

For the Petitioner/s : Anand Kumar Ojha, Advocate
Mr. Ashok Kumar Karna, Advocate
For the Respondent/s : Mr. Raj Kishore Roy, G.P.-18

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 01-09-2016

Heard parties.

The sole ground raised at the time of hearing is that the show cause notice issued upon the petitioner, which has been appended with the counter affidavit filed on behalf of the respondents as Annexure-C, is vague and does not disclose that it has been issued for the purpose of cancellation of licence.

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 taken 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 a decision of this Court dated 19.01.2016 passed in CWJC No.6826/2015.

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 13.12.2014, as contained in Annexure-1 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, 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	13.09.2016
Transmission Date	N.A.