

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.25176 of 2013

Umashankar Das, S/o Sri Sakhichandra Das, Resident Of Village- Khemichak, P.O
And P.S- Amarpur, District- Banka.

.... Petitioner

Versus

1. The State Of Bihar Through The Secretary Food And Consumer Protection Department, Old Secretariat, Patna.
2. The Collector, Banka, District- Banka.
3. The Sub- Divisional Officer, Banka, District- Banka.

.... Respondents

Appearance :

For the Petitioner : Mr. Rajeev Kr. Labh, Advocate

For the State : Mr. Kamal Kr. Sinha, AC to AAG 2

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 29-03-2016

Heard parties.

Petitioner is aggrieved by the order dated 18.06.2008 passed by the Sub Divisional Officer, Banka, by which, his licence no. 10/92 granted for running a P.D.S. shop has been cancelled. He also assails the appellate order dated 03.11.2011 passed by the Collector, Banka as contained in Annexure 4, by which, the appeal has been dismissed and the order passed by the Licensing Authority has been sustained.

Sole ground taken by the petitioner is that the show caused contained in Annexure 2 is vague as it does not appear from it that it has been issued for the purpose of cancellation of licence.

Counter affidavit has been filed on behalf of State, however, learned counsel for the State has not been able to point out from Annexure 2 or otherwise that a show cause notice for cancellation of licence was given to the petitioner.

By now, it is well settled that before cancellation of licence, a reasonable opportunity has to be given to the licensee to state his case which should be considered by the Licensing Authority and for that purpose, a show cause notice for cancellation of licence is must.

It appears from Annexure 2 that certain explanation has been asked from the petitioner but it is not specific for cancellation of licence.

In my considered view, the impugned orders are not sustainable in law and same are quashed and set aside.

However, this order would not come in way of the Licensing Authority in issuance of fresh show-cause notice to the petitioner, if it so desires and if he so requires.

(Dr. Ravi Ranjan, J.)

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