

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11019 of 2016

=====

Dharmendra Paswan, Son of Late Kuleshwer Paswan, Resident of village -
Raghunathpur, 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, Gaya
3. The Sub - Divisional Office, Sadar Gaya, District Gaya
4. The Senior Deputy Collector, Sadar Gaya, Distt. Gaya
5. The Block Supply officer, Fatehpur, Distt. - Gaya

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Binay Kumar, Advocate

For the State : Mr. Madanjeet Singh, G.P. 20

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 24-08-2016

Heard parties.

Sole ground taken by the petitioner for quashing of the Annexure 3, which is an order dated 15.06.2016 passed by the Sub-Divisional Officer, Sadar Gaya-cum-Licensing Authority, is that the show cause notice issued for initiation of proceeding is vague as it does not state anywhere that the same is being issued for the purpose of cancellation of licence.

The aforesaid statement made on behalf of the petitioner stands supported by the impugned order itself as it refers Annexure 1 which is the show cause notice but the same does not disclose that it has been issued for the purpose of cancellation of licence of the

petitioner. The issue is no longer *res integra* as this Court on several occasions has held that if notice is vague and not issued for cancellation of licence then the entire proceeding stands vitiated as it would not only in violation of principle of natural justice but also in violation of Clause 7(ii) of the PDS Control Order, 2001 requiring grant of reasonable opportunity to the licensee before the cancellation. A reference in this regard is made to an unreported decision of this Court dated 29.06.2016 passed in **C.W.J.C. No.7431 of 2016 (Vijendra Prasad Vs. The State of Bihar & Ors.)**.

Accordingly, it is held that the impugned order, as contained in Annexure 3, is not sustainable and, as such, the same is quashed and set aside. Licence of the petitioner is restored. However, the Licensing Authority, if it so desires, would be at liberty to initiate a fresh proceeding against the petitioner.

The writ application stands allowed to the aforesaid extent only.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.09.2016
Transmission Date	NA