

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8711 of 2016

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Shivajee Prasad Singh, S/o Balgovind Singh, Resident of Village - Malpur,
Morshand, P.S. - Pusa, 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/s : Mr. D. N. Tiwari, Advocate

Mr. Prem Prakash Poddar, Advocate

For the Respondent/s : Mr. Rajesh Kumar Sinha, AC to GP-23

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 13-12-2016

Heard parties.

The petitioner is aggrieved by 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 No.73 of 2008 has been cancelled.

It is contended that the notice issued for the said purpose is vague as it does not state anywhere that the same is being 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 issued 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 an unreported decision of this Court dated 24.08.2016 passed in CWJC No.11229 of 2016.

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 26.02.2016, as contained in Annexure-3, 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 in accordance with law, if it so desires, but, in such case a reasonable opportunity would be 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	07.03.2017
Transmission Date	N.A.

