

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6826 of 2015

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Arvind Paswan, S/o Sri Rajlal Paswan Resident of Village- Jamul, P.S.-
Dulhin Bazar, District- Patna.

.... Petitioner

Versus

1. The State of Bihar through Secretary, Food & Civil Supply Department,
Govt. of Bihar, Patna.
2. The Sub Divisional Officer, Paliganj.
3. The Block Supply Officer, Paliganj.

.... Respondents

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Appearance :

For the Petitioner	:	Mr. N.K. Agrawal, Senior Advocate
	:	Mr. Anujit Sinha, Advocate
For the Respondent	:	Mr. Dr. Anshuman Pandey S.C.-14
	:	Mr. Kuber Pathak, A.C. to S.C. 14

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL ORDER

2 19-01-2016 Heard learned counsel for the petitioner and the State.

Petitioner is aggrieved by order dated 26.02.2015 as contained in Annexure 4 by which his licence no. 82/07 granted for running a P.D.S. shop has been cancelled by the Sub-Divisional Officer-Cum Licensing Authority, Paliganj.

The sole question which has been raised by the petitioner at the time of hearing is that the entire action stands vitiated in view of the fact that no show cause notice was ever issued in contemplation of proceeding for proposed cancellation of licence.

It is contended in Annexure-1 i.e. the show cause notice it is nowhere states that it has been issued for proposed cancellation of licence.

This issue is no longer *res integra* as the same has been decided on several occasions by this Court one of such decision has been produced any time of hearing having been passed in C.W.J.C. No. 17079 of 2014 holding that if show cause notice does not disclose that it is being issued in contemplation of a proceeding for cancellation of licence then it cannot be held that reasonable adequate opportunity has been granted to the petitioner to state his case before cancellation of licence and would be, thus, in violation of the mandatory provision as contained in clause 7(ii) of the PDS (Control) Order, 2001.

Thus, in my view, the impugned order cannot be sustained in its present form and, as such, the same is quashed and set aside. However, the licensing authority would be at liberty to issue a fresh and proper show cause notice if it so desires, for initiation of a proceeding for cancellation of licence. If such notice is issued then the petitioner would be granted reasonable opportunity to answer the charges and the decision in accordance with law would be required to be taken after consideration of the grounds raised in the reply filed by the licensee.

(Dr. Ravi Ranjan, J.)

Siddharth/ Veena

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