

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.11229 of 2016**

Shobha Kant Ram, Son of Late Bhola Ram, Resident of village - Bansgopal, P.S.  
Puraini, District - Madhepura

.... .... Petitioner

Versus

1. The State of Bihar
2. The Divisional Commissioner, Saharsa
3. The District Magistrate, Madhepura
4. The Sub Divisional officer Udakishunganj, Madhepura
5. The District Supply officer, Madhepura
6. The Block Development Officer, Puraini, District Madhepura

.... .... Respondents

**Appearance :**

For the Petitioner : Mr. Sanjeev Kumar Mishra, Advocate  
For the State : Mr. Anil Kr., A.C. to S.C. 8

**CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN**

**ORAL JUDGMENT**

**Date: 24-08-2016**

Heard parties.

Petitioner challenges the Annexure 3 which is an order dated 06.08.2014 passed by the Sub-Divisional Officer, Udakishunganj, Madhepura-cum-Licensing Authority by which he has cancelled the licence of the petitioner.

Learned counsel for the petitioner submits 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. It appears from the notice that it has been issued for explaining the irregularities failing which strong action may be taken against him.

In my view, such notice does not comply the

requirement either of principle of natural justice or the mandatory provision under Clause 7(ii) of the PDS Control Order, 2001 wherein it has been stated that adequate opportunity should be given to the licensee before cancellation of licence. A reference in this regard is made to a decision of this Court dated 26.08.2014 passed in **C.W.J.C. No.961 of 2013 (Rajdeo Yadav Vs. The State of Bihar & Ors.)**.

Accordingly, this writ application succeeds. The impugned order, as contained in Annexure 3, is quashed and set aside. The licence of the petitioner is restored. However, this order would not come in the way of the Licensing Authority, if it so desires, in initiating a fresh proceeding against the petitioner for violation of any terms and conditions or any irregularities committed by him in accordance with law.

**(Dr. Ravi Ranjan, J)**

Sanjay-II/-

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