

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 3937 of 2014

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Rajendra Prasad, Son of Late Bhagwan Das, Resident of Bhatoura, P.S.
Fatehpur, Block- Tankuppa, District- Gaya. Petitioner.

Versus

1. The State of Bihar.
 2. The Sub-Divisional Officer, Sadar, Gaya.
 3. Block Supply Officer, Tankuppa, Block- Tankuppa, Gaya.
- Respondents.

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Appearance :

For the Petitioner : Mr. Dhananjay Nath Tiwari, Adv.

For the Respondents: Mr. Indradeo Prasad, SC-27.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN
ORAL JUDGMENT

Date: 06-12-2016

Heard learned counsel for the petitioner and the State.

Petitioner seeks quashing of the order dated
12.12.2013 passed by the Sub-divisional Officer-cum-Licensing
Authority, Sadar, Gaya, as contained in Annexure-1 by which his
PDS licence no. 3/08 was cancelled.

The sole ground raised by the petitioner at the time of
hearing is that the show cause notice is vague as it has not been
issued for the purpose of cancellation of licence. The Clause 7(ii)
of the PDS (Control) Order, 2001 lays down in clear terms that
before cancellation of licence reasonable opportunity should be
granted to the licensee to file a reply against the proposed
cancellation.



I find force in the submission raised on behalf of the petitioner that show cause notice shows that if he does not submit his reply then action would be taken in accordance with law. Thus, in my view, the aforesaid show cause notice is vague. The Clause 7(ii) of the Public Distribution System (Control) Order, 2001 lays down in clear terms that before cancellation of licence reasonable opportunity should be granted to the licensee to reply that it is against the proposed cancellation.

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 and adequate 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 a decision of this Court dated 19.01.2016 passed in CWJC No.6826/2015.

Accordingly, in my view, the order impugned is not sustainable in the eye of law. In the result, this writ application succeeds. The impugned order as contained in Annexure-1 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, if it so desires.

(Dr. Ravi Ranjan, J.)

Vikash/-

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