

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13371 of 2016

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Baidyanath Pd. Yadav Son Late Ramashray Yadav Village- Rampur Nagwan,
Block- Paliganj, District- Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Food, Supply and Commerce Govt. of Bihar, Patna.
3. District Collector Cum- Chairman, District Level Supply Selection Committee, Patna.
4. Sub- Divisional Officer, Paliganj, Patna.
5. Block Supply Officer, Paliganj, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajendra Sharma, Advocate
For the State : Mr. Shashi Shekhar Prasad Singh,
A.C. to G.A.6

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 24-11-2016

Petitioner is aggrieved by the order dated 11.07.2016 passed by the Sub-Divisional Officer, Paliganj by which he has cancelled the licence no.176 of 2007 of the petitioner.

Sole ground taken by the petitioner at the time of hearing is that the show cause notice issued in the proceeding dated 24.06.2016, as contained in Annexure-1, does not disclose that the same was being done in compliance of any proceeding for cancellation of licence of the petitioner. Thus, it is contended that the same would vitiate the entire proceeding.

In support of his submission, he places reliance upon an



unreported decision of this Court dated 29.06.2016 rendered in C.W.J.C. 7431 of 2016 holding that the Clause 7(ii) of the PDS Control Order, 2001 mandatorily requires that, before cancellation of licence, reasonable and adequate opportunity should be granted to the licensee. However, such opportunity starts from the stage of issuance of show cause notice for cancellation of licence. When the notice itself is vague, it cannot be held that the same was issued for a proceeding for granting maximum punishment of cancellation of licence under the statute. Thus, in the absence of same, the entire proceedings would stand vitiated. This Court, while dealing with the issuance in the aforesaid case has place reliance upon another unreported decision dated 19.01.2016 passed in C.W.J.C. No.6826 of 2015 (Arbind Paswan Vs. The State of Bihar & Ors.).

Accordingly, in my considered opinion, the impugned order is not sustainable in its present form and, as such, the same is quashed and set aside. However, it would not come in the way of the authority concerned in initiating a fresh and proper proceeding.

(Dr. Ravi Ranjan, J)

N.H./-

AFR/NAFR	NAFR
CAV DATE	NA
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