

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14073 of 2016

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Sunil Kumar, S/o Late Ramchandra Sao, Villgae- Bahadurganj, P.O.- Chiksi, P.S-
Sigori, District- Patna.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Food, Supply and Commerce Govt. of Bihar, Patna.
3. The 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. Upendra Pratap Singh, A.C. to S.C. 4

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 01-12-2016

Heard parties.

Sole ground taken by the petitioner at the time of hearing of this matter is that the show cause notice issued to the petitioner does not disclose any proceeding in contemplation of cancellation of his licence was being initiated. That apart, it is also stated that the affidavits were sworn by the beneficiaries stating that they did not have any grievance against the petitioner.

In my view, this writ application succeeds on aforesaid ground. Clause 27(ii) of the Targeted Public Distribution System (Control) Order, 2015 lays down in clear terms that no order of



cancellation of a licence shall be made until the licensee has been given sufficient opportunity to state his case against the proposal of cancellation of licence. It does not appear from the show cause notice that there was any proposal for cancellation of licence.

Accordingly, the notice being vague, the entire proceeding would not be sustainable.

As a result, this writ application succeeds. The order is quashed and set aside. The petitioner would be entitled for resumption of supply. However, it is made clear that this order would not come in the way of the Licensing Authority if it desires to initiate a fresh proceeding against the petitioner.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.01.2017
Transmission Date	NA

