

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17894 of 2016

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Kamla Kant Prasad, Son of Late Indradeo Prasad Resident of Village-Patnrai, P.O.-
Shiyadih, P.S.- Char Pokhari, District-Bhojpur

.... Petitioners

Versus

1. The State of Bihar through its Divisional Commissioner, Ara Bhojpur
2. The Divisional Commissioner, Bhojpur Ara
3. The District Magistrate, Bhojpur, Ara
4. The sub Divisional Officer, Piro Bhojpur Ara
5. The District Supply Officer, Bhojpur Ara
6. The Assistant District Supply Officer, Piro Bhojpur
7. The Block Development Officer, Chat Pokhri, Bhojpur Ara

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra, Advocate

For the Respondent/s : Mr. Shashi Shankar Pd. Singh, Ac to GA6

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 01-12-2016

Heard parties.

The show cause notice was issued upon the petitioner vide Annexure-1 dated 19.08.2016 and, thereafter, his PDS licence has been cancelled vide Annexure-3 dated 15.09.2016 by the Sub-Divisional Officer-cum-Licensing Authority, Piro, Bhojpur.

It is contended 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.

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 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 an unreported decision of this Court dated 24.08.2016 passed in CWJC No.11229 of 2016.

Accordingly, in my view, the order impugned is not sustainable in the eye of law.

As a result, this writ application succeeds. The impugned order dated 15.09.2016, as contained in Annexure-3, 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 in accordance with law, if it so desires, but in such case a reasonable opportunity would be required to be granted to the petitioner.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
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