

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8047 of 2016

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Sabru Singh son of Late Ramdeo Singh resident of Ekauna, P.S.- Agiaon, District-
Bhojur.

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate, Bhojpur, Ara.
3. The District Supply Officer, Bhojpur, Ara.
4. The Sub Divisional Officer, Sadar Ara, Bhojpur.

.... Respondents

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Appearance :

For the Petitioner	:	M/s Sanjeev Kumar Mishra and Pyush Saurav, Advocates
For the State	:	Mr. Shananjay Kumar, AC to GP 16

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 21-06-2016

Heard parties.

Petitioner is aggrieved by order dated 8.3.2016 passed by the Sub Divisional Officer, Sadar, Ara, as contained in Annexure 3, by which his licence no. 85/2012 granted for running a PDS shop has been cancelled.

The sole ground raised on behalf of the petitioner at the time of hearing is that the show cause notice as contained in Annexure 1 is vague and not for the purpose of purported exercise of cancellation of licence. Learned counsel for the petitioner placed reliance upon an unreported decision of this Court dated 19.1.2016 passed in **C.W.J.C. No. 6826 of 2015 (Arvind Paswan vs. The State**

of Bihar & ors.) holding that if show cause notice does not disclose that it is being issued in contemplation of a proceeding for cancellation of licence then it cannot be held that the reasonable opportunity has been granted to the petitioner to state his case before cancellation of licence and would be, thus, in violation of the mandatory provision as contained in Clause 7(ii) of the PDS Control Order, 2001.

Accordingly, this writ application succeeds on the aforesaid count as the show cause notice issued vide Annexure 1 is vague and is not in contemplation of any action for cancellation of licence. Accordingly, the order impugned is quashed and set aside. As a consequence the licence of the petitioner stands restored.

However, this order would not come in way to the authority concerned for initiation of any fresh proceeding, if it so desires, even on the materials which are available as per the show cause notice contained in Annexure 1.

(Dr. Ravi Ranjan, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
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