

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 1104 of 2017

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Harikirtan Chaudhary son of Late Gyan Chandra Choudhary resident of Village - Deo Chanda, P.O. - Deo P.S. - Sikrahatta, District - Bhojpur.

.... Petitioner.

Versus

1. The State of Bihar through the Divisional Commissioner, Bhojpur, Ara.
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, Trari, Bhojpur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar Mishra, Adv.

For the Respondents: Mr. Upendra Pratap Singh, AC to SC4

: Mr. Sushil Kumar Mallick, AC to SC-4

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 04-02-2017

Heard learned counsel for the petitioner and the State.

Petitioner challenges the Annexure-4 which is an order dated 28.11.2016 passed by the Sub-Divisional Officer -cum-Licensing Authority, Piro, Bhojpur by which he has cancelled the licence of the petitioner.

Learned counsel for the petitioner submits 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. It appears from the notice that it has



been issued for explaining the irregularities failing which strong action may be taken against him.

In my view, such notice does not comply the requirement either of principle of natural justice or the mandatory provision under Clause 7(ii) of the PDS Control Order, 2001 wherein it has been stated that adequate opportunity should be given to the licensee before cancellation of licence. A reference in this regard is made to a decision of this Court dated 26.08.2014 passed in C.W.J.C. No.961 of 2013 (Rajdeo Yadav Vs. The State of Bihar & Ors.).

Accordingly, this writ application succeeds. The impugned order, as contained in Annexure 4, is quashed and set aside. The licence of the petitioner is restored.

However, this order would not come in the way of the Licensing Authority, if it so desires, in initiating a fresh proceeding against the petitioner for violation of any terms and conditions or any irregularities committed by him in accordance with law.

(Dr. Ravi Ranjan, J)

Vikash/-

AFR/NAFR	NAFR
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