

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 12153 of 2016

=====

Yogendra Prasad Yadav Son of Sri Tulsi Prasad Yadav Resident of
Village- Dolbhanga, Post- Kurmaintar, P.S.- Katoria, District- Banka.
.... Petitioner.

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The Collector, Banka, District- Banka.
3. The Licensing Authority-cum-Sub-Divisional Officer, Banka, District- Banka.

.... Respondents.

=====

Appearance :

For the Petitioner : Mr. Rajeev Kumar Labh, Adv.

For the Respondents: Mr. N.H. Khan, SC-1

: Md. Naushaduzzoha, AC to SC-1.

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 10-01-2017

Heard learned counsel for the petitioner and the State.

Petitioner seeks quashing of Annexure-1 which is an order dated 28.04.2012 passed by the Sub-Divisional Officer-cum-Licensing Authority, Banka by which his licence granted for running a PDS Shop No. 34/84 has been cancelled. He also assails the order dated 29.01.2016, as contained in Annexure-4, passed by the District Magistrate, Banka who happens to be the appellate authority, by which he has dismissed the appeal and upheld the order of the licensing authority.

It appears from the order that the same has been passed



pursuant to the show cause notice issued on 15.02.2012. However, the show cause notice appended as Annexure-2 discloses that it was issued in contemplation of punishment of suspension of licence only, thus, the assertion of the petitioner appears to be correct that though the show cause notice was issued only for suspension of licence but in the same proceeding, without issuance of notice of cancellation, the licence of the petitioner has been cancelled.

As a result, this writ petition stands allowed. The impugned orders, as contained in Annexure-1 and 4 are quashed and set aside being unsustainable in eye of law. The licence of the petitioner stands restored and he is entitled for immediate resumption of supplies.

(Dr. Ravi Ranjan, J.)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.05.2017
Transmission Date	NA

