

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.19967 of 2014**

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Umesh Paswan, S/o- Late Ram Chandra Paswan, R/o- Village-Kadirganj,  
P.S.-Imamganj, District-Gaya.

.... .... Petitioner/s

Versus

1. The State of Bihar.
2. The Block Supply Officer, Imamganj, Gaya.
3. The Sub-Divisional Officer, Sherghati, Gaya.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rajeev Kumar Singh, Adv.  
Mr. Anjani Kumar, Adv.

For the Respondent/s : Mr. Vivek Anand Amritesh, AC to SC 28

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**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA**  
**ORAL ORDER**

7      07-09-2017

Heard learned counsel for the petitioner and learned

counsel for the State.

The petitioner is aggrieved by an order dated 11.02.2014 by which the petitioner's PDS dealership bearing Licence No. 77 of 2007 has been cancelled.

Learned counsel for the petitioner submits that the impugned order passed is against the statutory provisions and the show cause of the petitioner has also not been considered.

A bare perusal of the impugned order indicates that the same is cryptic and wholly illogical.

Learned counsel for the State submits that as per the counter affidavit filed by the authorities, the shop of the petitioner was found closed and the notice board was also not displayed in



front of the shop. Thus, the petitioner was duly noticed and thereafter, his licence has been cancelled.

In a similar case, this Court has held that the PDS licence cannot be cancelled by the authorities for closure of one single day. It is evident from the notice issued by the respondent that the petitioner's shop was found closed on a particular day i.e. 25.01.2014 when the Block Supply Officer had inspected the PDS shop of the petitioner.

Such a plea as made in the counter affidavit is not tenable under law as decided by this Court. Furthermore, the impugned order is wholly misconceived and cannot be entertained and stand vitiated on account of the fact that the licensing authority has failed to consider the show cause filed by the petitioner and in altogether cryptic and irrational manner has proceeded to cancel the licence of the petitioner. As such, this Court is of the considered opinion that the order impugned cannot be sustained. Accordingly, the order dated 11.02.2014 forming part of Annexure-1 is quashed.

The licence of the petitioner is directed to be restored within a period of eight weeks on receipt/production of a copy of this order.

As such, it will now be open for the petitioner to



approach the concerned authority for resumption of supply of his  
PDS shop in accordance with law.

With the aforementioned direction, the writ  
application stands allowed.

**(Anjana Mishra, J)**

Jagdish/-

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