

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 18662 of 2016

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Subhadra Devi Wife of Late Mohan Manjhi, Resident of village-
Bapugram Police Station- Fatehpur, District- Gaya.

.... Petitioner.

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The Sub-Divisional Officer, Sadar Gaya, District- Gaya.
3. The Block Supply Officer, Ftehpur, Dist.- Gaya.

.... Respondents

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Appearance :

For the Petitioner : Mr. Binay Kumar, Adv

For the Respondents: Mr. Shashi Shekhar Pd. Sinha, AC to GA6

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 17-01-2017

Heard learned counsel for the petitioner and the State.

Petitioner seeks quashing of the order dated 28.03.2016 passed by the Sub-divisional Officer-cum-Licensing Authority, Sadar, Gaya, as contained in Annexure-1 by which his PDS licence no. 67/07 was cancelled.

The issue is no longer *res integra* as this Court has held on several occasions that unless specific notice for cancellation is issued it cannot be held that reasonable and adequate opportunity was given to the licensee to make out his case in a proceeding for proposed cancellation. A reference in this regard is made to a decision of this Court dated 19.01.2016



passed in CWJC No.6826/2015.

Accordingly, in my view, the order impugned is not sustainable in the eye of law. In the result, this writ application is allowed and the impugned order as contained in Annexure-1 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, if it so desires.

(Dr. Ravi Ranjan, J.)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	NA
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