

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2629 of 2016

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Binod Prasad Son of Late Kalicharan Prasad Resident of Mohalla - Gola Road,
Post and P.S. Danapur, District - Patna

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna
2. The District Magistrate, Patna, District Patna
3. The Sub Divisional Officer, Danapur, District - Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajeev Kumar Labh, Advocate
For the Respondents : Mr. Aditya Nath Jha, AC to SC 18

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 10-01-2017

Heard parties.

Sole ground taken by the petitioner for assailing Annexure 1 which is an order dated 30.12.2013 passed by the Licensing Authority-cum-Sub-Divisional Officer, Danapur cancelling the PDS licence, is that unless show cause notice issued to the petitioner discloses its purpose that it was being issued for a proceeding of cancellation of licence, the licence cannot be cancelled.

This issue is no longer *res integra* as this Court on several occasions has held that unless specific notice is issued for cancellation of licence it cannot be held that adequate opportunity was granted to the licensee for making out his case as per the mandate of



Clause 7(ii) of the Public Distribution System (Control) Order, 2001.

A reference is made to an unreported judgment dated 12.07.2015 rendered by this Court in **C.W.J.C. No.2488 of 2014 (Jagat Narayan Singh Vs. the State of Bihar & Ors.)**.

Accordingly, this writ application succeeds on the aforesaid sole ground. The impugned order as contained in Annexure 1 is quashed and set aside. As consequence thereof, the licence of the petitioner has to be restored immediately.

However, this order would not come in the way of the Licensing Authority in launching a fresh proceeding if it comes to the conclusion that petitioner has violated any provision of the PDS(Control) Order, 2001 or terms and conditions of the licence etc. but, in such case, reasonable opportunity would have to be granted to the petitioner.

(Dr. Ravi Ranjan, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
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