

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5060 of 2015

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Naresh Choudhary S/o Late Ram Chandra Choudhary, Resident of village-
Bharatpura, P.S.- Dulhin Bazar, District- Patna.

.... Petitioner

Versus

1. The State of Bihar through Secretary, Food & Civil Supply Department, Govt. of Bihar, Patna.
2. The Sub Divisional Officer, Paliganj .
3. The Block Supply Officer, Dulhin Bazar.

.... Respondents

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Appearance :

For the Petitioner : M/s N.K.Agarwal, Sr. Advocate
For the Respondents : Mr. Anil Kumar , AC to SC 8.

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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 4 which is an order dated 26.02.2015 passed by the
Licensing Authority-cum-Sub-Divisional Officer, Paliganj 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 4 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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