

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2650 of 2017

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Sitaram Singh, Son of Late Kameshwar Singh, resident of Village- Kathar, P.S.- Sherghati, Dist- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supplies Department, Govt. of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub-Divisional Officer, Sherghati, Gaya.
4. Circle Officer, Sherghati, Gaya.
5. Block Supply Officer, Sherghati, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bibhuti Narayan, Adv.

For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 28-03-2017

Heard learned counsel for the petitioner and counsel for the State.

In this case, the petitioner is challenging an order dated 24.1.2017 passed in License Cancellation Case No. 05 of 2017, whereby and whereunder, the Sub-Divisional Officer, Sherghati, Gaya, the Licensing Authority, has cancelled the P.D.S. license of the petitioner.

The petitioner is running a P.D.S. shop, an inspection was made, during inspection, number of irregularities were found such as the stock of 22 quintal wheat and 44 quintal rice were found in the stock in place of 36.78 quintal wheat and 55.62 quintal rice which was lifted by the petitioner for distribution to the



consumers.

A show-cause notice was issued which was replied by the petitioner, by cryptic order, without considering the objections raised by the petitioner in the show-cause reply, the Licensing Authority, without applying his judicial mind, cancelled the P.D.S. license of the petitioner.

In that view of the matter, the impugned order dated 24.1.2017 is set aside and the matter is remanded back to the Sub-Divisional Officer, Sherghati, Gaya who will pass a fresh reasoned order after considering all the objections raised by the petitioner in the show-cause. Before passing the reasoned order, the aforesaid authority must also give a copy of the enquiry report to the petitioner which is the basis for initiation of a proceeding against the petitioner and the petitioner, if so advised, will have liberty to file additional show-cause.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	31.03.2017
Transmission Date	

