

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17294 of 2015

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Vashudeo Roy, Son of late Yugeshwar Roy, Resident of Village- Rasulpur Korigaon, P.s Goraul, District Vaishali, (An -ex-dealer Under P.D.S. of Rasulpur Korigaon, Panchayat, Prakhand, Goraul)

.... Petitioner

Versus

1. The State of Bihar through its Principal Secretary, Consumer & Protection Department, Government of Bihar, Old Secretariat, Patna-1
2. The Divisional Commissioner, Trihut Division, Muzaffarpur.
3. The Collector ,Vaishali at Hajipur.
4. The Sub -Divisional Officer, Hajipur.
5. The Block Supply Officer, Goraul, District Vaishali, Hajipur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Satendra Narayan Singh, Advocate

For the State : Mr. Sangha Mitra Ghosh, A.C. to G.P. 15

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 04-02-2017

Heard parties.

Petitioner seeks quashing of the order dated 06.09.2011 passed by the Sub-Divisional Officer-cum-Licensing Authority, Mahua, as contained in Annexure 4, by which he has cancelled the PDS licence no.56/2007 of the petitioner. He also assails the appellate order dated 04.06.2013 passed by the Collector, Vaishali at Hajipur in P.D.S. Appeal No.30 of 2011, as contained in Annexure 6 as well as the revisional order dated 15.12.2014 passed by the Commissioner, Thirhut Division, Muzaffarpur, as contained in Annexure 7. Both of them have been dismissed by the aforesaid authority.

It is contended on behalf of petitioner that PDS licence has been cancelled without issuing a show cause notice for



cancellation of licence. The order impugned indicates two show cause notices issued to the petitioner. First is vide letter no.653 dated 23.08.2011 and the second is dated 29.08.2011. Copies of both the show cause notices have been appended as Annexure 1 and 2, however, none of the show cause notices indicates that any action of cancellation of licence of the petitioner was to be taken.

The issue is no longer *res integra*. It has been held on several occasions by this Court that in absence of such specific notice, the entire proceeding would stand vitiated. A reference in this regard is made to a decision of this Court rendered in **Paspat Prasad Vs. The State of Bihar and Ors. [2011(2)PLJR 698]**.

Accordingly, this writ application succeeds. The impugned orders as contained in Annexure 4, 6 and 7 are quashed and set aside. The licence of the petitioner is restored. However, this order would not come in way of the Licensing Authority in initiation of any fresh proceeding, if it so desires.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.05.2017
Transmission Date	NA

