

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 17118 of 2016

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Md. Latif Ansari @ Latif Ansari Son of Late Afsar Ali resident of
village - Khorimoh, P.O. Maniyarpur, P.S. Baunsi, District - Banka
.... Petitioner.

Versus

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

For the Petitioner : Mr. Devendra Kumar, Adv.
For the Respondent: Sri S.D. Sanjay (ADSG)
For the State : Mr. Raj Kishore Roy, GP. 18.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 13-01-2017

Heard learned counsel for the petitioner and the State.

Petitioner seeks quashing of the order dated 13.08.2016 passed by the Sub-divisional Officer-cum-Licensing Authority, Banka, as contained in Annexure-1 by which his PDS licence no. 50/12 was cancelled.

It does not appear from Annexure-3 or Annexure-5 that any show cause notice was issued in contemplation of proposed action of cancellation of licence.

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 succeeds. 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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Transmission Date	NA

