

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19399 of 2018

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Dinesh Sahni S/o Sri Rajendra Sahni Resident of Village- Baligaon Chandpura,
P.S. Baligaon, District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The Collector-Cum-District Magistrate, Vaishali at Hajipur.
4. The Sub Divisional Officer, Mahua, P.S. Mahua, District- Vaishali.
5. The District Supply Officer, Vaishali, P.S. Vaishali, District- Vaishali.
6. The Block Supply Officer, Patepur, District- Vaishali.
7. The Assistant District Supply Officer, Mahua, District- Vaishali.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Adv.
Mr. Dhananjaya Nath Tiwari
For the Respondent/s : Mr. S. RAZA AHMAD- AAG5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 01-10-2018

The present writ petition has been filed for setting aside the order dated 29.11.2014 passed by the S.D.O., Mahua whereby and whereunder the P.D.S. licence of the petitioner's shop has been cancelled as also for quashing the appellate order dated 27.12.2016 passed in P.D.S. Appeal No. 35 of 2015-16 and the revisional order dated 10.07.2018 as well.

The learned Senior counsel appearing for the petitioner has raised a short issue to the effect that the notice issued against the petitioner herein dated 31.10.2014 does not contain the proposed punishment i.e. regarding cancellation of the PDS dealership of the petitioner herein. The learned Senior counsel has placed reliance on a judgment reported in 2015(3) PLJR 189 [Parsauni Khirodhar Primary Agriculture Co-Operative Society Ltd. & Ors. vs. The



State of Bihar through the Collector, Sitamarhi & Ors.] whereby and whereunder a co-ordinate Bench of this Court has quashed the order by which the PDS licence has been cancelled on the ground that no notice was issued against the proposed cancellation under Clause 7(ii) of the Bihar Fair Price Shop Order.

Having regard to the facts and circumstances of the case, this Court is in agreement with the aforesaid judgment passed by the co-ordinate Bench of this Court, as in the present case as well the show cause notice does not contain the proposed punishment to be inflicted upon the petitioner herein, hence the impugned order dated 29.11.2014 passed by the S.D.O., Mahua, the appellate order dated 27.12.2016 and the revisional order dated 10.07.2018 are quashed with liberty to the S.D.O., Mahua to proceed in the matter afresh in accordance with law.

The writ petition is allowed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	12.10.2018
Transmission Date	N/A

