

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16209 of 2014

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Amarkant Sharma, Son of Late Dineshwar Singh, resident of village- Bari
Tengraila, P.S.- Naubatpur, District- Patna

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supplies
Department, Government of Bihar, Patna
2. The Principal Secretary, Food and Civil Supplies Department, Government of
Bihar, Patna
3. The Sub-Divisional Officer, Danapur, District- Patna
4. The Block Supply Officer, Naubatpur, District- Patna

.... Respondents

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Appearance :

For the Petitioner : Mr. Bibhakar Tiwary, Advocate

For the Respondents : Mr. Manoj Kumar, AC to GP 4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 24-07-2018

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

2. The present writ petition has been filed for setting aside
the order bearing memo no. 721 dated 03.07.2014 issued under the
signature of Sub-Divisional Officer, Danapur by which PDS licence no.
26/2007 of the petitioner has been cancelled; and for connected
reliefs.

3. Learned counsel for the petitioner makes a short
submission to assail the impugned order on the ground that neither
of two show cause notices dated 16.11.2012 and 17.09.2013 said to



have been issued was served upon the petitioner and he was not given any opportunity of being heard or adducing evidence in that regard. A specific stand has been taken in paragraph 9 of the writ petition that the impugned order of cancellation of licence has been passed without serving show cause notice to the petitioner, though the same had been relied upon in the impugned order.

4. Learned counsel for the respondents appears and has been heard. The stand of the petitioner with regard to non-service of the show cause notice has not been controverted in the counter affidavit.

5. In the above view of the matter, this Court is satisfied that non-service of the show cause notice on the petitioner has resulted in violation of natural justice and thus the decision making process stands vitiated. The impugned order bearing memo no. 721 dated 03.07.2014 (Annexure-2) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Danapur, Patna for taking decision afresh in the matter after serving show cause notice upon the petitioner and granting an opportunity of hearing in accordance with law. The licence of the petitioner shall be restored without delay until fresh orders are passed by the respondent no. 3.

6. It is made clear that in case the stand of the petitioner denying non-service of the show cause notice prior to order of



cancellation being passed is found to be incorrect, the respondents shall be at liberty to approach this Court for recall of this judgment.

7. The writ petition stands allowed as above.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
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