

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4021 of 2015

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Raj Haran Yadav, Son of Late Ramprit Yadav, Resident of Village- Behri Chaparia Tola, P.S.- Bhangha, District- West Champaran.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Bettiah, District- West Champaran.
3. The District Supply Officer, Bettiah, District- West Champran.
4. The Sub- division Officer, Narkatiaganj, District- West Champaran.
5. The Block Supply Officer, Mainatand, District- West Champaran.

.... Respondents

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Appearance :

For the Petitioner : Mr. Satyavrat Verma, Advocate.

For the Respondents : Dr. Anshuman, SC-14

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 06-08-2018

The present writ petition has been filed for quashing the order dated 24.02.2014 passed in Case No. C.R.M. No. 23/12-13 (Annexure-6) issued under the signature of the respondent no. 2; the order dated 12.02.2010 (Annexure-4) passed by the respondent no. 4 by which the licence of the petitioner bearing license no. 34 of 2007 of the Public Distribution Shop situated at Barwa Rampur Panchayat, Block-Mainatand, District-West Champaran has been cancelled; and for a direction to the respondents to forthwith revoke the order of cancellation of the license of the Public Distribution shop of the petitioner and to resume the supply of the essential commodities



forthwith.

2. Learned counsel for the petitioner submits that the action of the respondents in suspending the petitioner's PDS licence by the order dated 16.09.2009 and thereafter cancelling the same by the impugned order dated 12.02.2010 is wholly arbitrary and illegal inasmuch as the same amounts to double punishment. Reliance is placed on a Division Bench judgment in Shiv Chandra Jha vs. Harideo Jha and others, 2013(3) PLJR 956.

3. Learned counsel for the respondents appears and has been heard.

4. In the above view of the matter, this Court is satisfied that cancellation of the PDS Licence without proper show cause notice indicating specifically about the proposed cancellation is in violation of natural justice and thus the decision making process stands vitiated. Such infirmity could not be cured in the appeal as well. The petitioner has already suffered a penalty of suspension and for the same set of charges he cannot be again visited with the penalty of cancellation. The impugned order dated 12.02.2010 (Annexure-4) as also the appellate order dated 24.02.2014 (Annexure-6) are hereby quashed and the matter remanded to the Sub-Divisional Officer, Narkatiaganj, District-West Champaran 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. Licence of the petitioner shall be restored without delay until fresh



orders are passed by the respondent no. 4.

5. It is made clear that in case the stand of the petitioner denying non-service of proper 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.

6. The writ petition stands allowed as above.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
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