

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6432 of 2016

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Ramashray Prasad son of Budhan Ray, resident of village Math Lohiyar,
Ahirtoli Block Harsidhi Sub-Division Areraj, Police Station Harsidhi, District
East Champaran.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supply, Govt. of Bihar, Patna.
2. The District Magistrate East Champaran at Motihari.
3. The District Supply Officer East Champaran, Motihari.
4. The Sub-Divisional officer cum licensing Authority Sub-Divisional Areraj District East Champaran.
5. The Block Development Officer cum-Block Supply Officer, Block Harsidhi District East Champaran.

.... Respondents

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Appearance :

For the Petitioner : Mr. Lalan Kumar Verma, Advocate
For the Respondents : Mr. Harish Kumar, GP 8
Mr. Binod Kr. Sinha, AC to GP 8

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 06-02-2018

Heard learned counsel for the petitioner as well as
learned counsel for the respondents.

2. The present writ petition has been filed for quashing
the order issued vide Memo No. 264 dated 28.07.2015 under the
authority of Respondent no. 4 by which he, without providing any
opportunity of hearing as well as without providing any show cause
along with the allegation levelled against the petitioner, cancelled the



licence No. 26/2007 with immediate effect and further direct the respondents to restore the licence No. 26/2007 for running the Public Distribution System shop (hereafter referred to as "PDS shop") as before.

3. Learned counsel for the petitioner has taken a specific stand in paragraph 9 of the writ petition to the effect that the impugned order dated 28.07.2015 has been passed cancelling the petitioner's licence without, however, providing any show cause or an opportunity of hearing.

4. Learned counsel for the respondents, on the other hand, relies on the statement made in paragraph 7 of the counter affidavit wherein a categorical statement has been made that on receipt of the inspection report from B.S.O., Harsidhi, the S.D.O. Areraj (respondent no. 4) served a show cause notice upon the petitioner through Memo No. 222 dated 20.07.2015 but despite service of the notice, the petitioner did not file any show cause reply.

5. Having regard to the rival contentions of the parties, this Court is not inclined to interfere in the matter. As the issue relating to service of show cause notice involves a disputed question of fact, the petitioner has not filed any rejoinder to controvert the stand of the respondents in the counter affidavit.

6. The writ petition accordingly stands dismissed. Needless to say, the petitioner is always at liberty to avail alternative



remedy against the impugned order in accordance with law.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	13.02.2018
Transmission Date	N.A.

