

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.5118 of 2015**

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Shatrughan Sah S/o Late Kallar Sah, Resident of Mohalla- Juraban Singh, Post  
Lalbag, District- Darbhanga.

.... .... Petitioner

Versus

1. The State of Bihar through the Secretary Department of Food and Civil Supply Govt. of Bihar, Patna.
2. The Commissioner, Darbhanga.
3. The Collector & District Magistrate, Darbhanga.
4. The Sub-Divisional Officer, Sadar Darbhanga.
5. The Marketing Officer, Darbhanga.

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Deepak Kumar, Advocate.

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

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL JUDGMENT**

**Date: 06-08-2018**

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

2. The present writ petition has been filed for quashing  
the order dated 30.09.2014 passed by the Commissioner, Darbhanga in  
Janbitran Pranali Case No. 2 of 2014; for quashing the order dated  
12.12.2013 passed by the Collector, Darbhanga in Sarbjanik Bitaran  
Pranali Case No. 62/2013; also the order of Sub-Divisional Officer,  
Sadar Darbhanga contained in record no. 01/13 dated 14.01.2013 by  
which the licence of the petitioner has been cancelled; and further to  
restore the petitioner's licence.



3. Learned counsel for the petitioner makes a short submission to assail the impugned order on the ground that show cause notice was not 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 para 10 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. Such infirmity could not be cured in the appeal and revision as well.

4. Learned counsel for the respondents appears and has been heard. The stand of the petitioner has not been controverted, as no counter affidavit has been filed.

5. In the above view of the matter, this Court is satisfied that non-service of the show cause notice to the petitioner has resulted in violation of natural justice and thus the decision making process stands vitiated. The impugned order dated 14.01.2013 (Annexure-3), the appellate order dated 12.12.2013 (Annexure-2) as well as the revisional order dated 30.09.2014 (Annexure-1) are hereby quashed and the matter remanded to the Sub-Divisional Officer, Sadar Darbhanga 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. License of the petitioner shall be



restored without delay until fresh orders are passed by the respondent  
no. 4.

6. It is made clear that in case the stand of the petitioner denying non-service of 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)**

Md. Ibrarul/BT

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