

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.730 of 2018

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Mundrika Prasad Yadav, son of Chandeshwar Yadav, resident of Village - Bahsa Pipra, Village Panchayat- Bahsa Pipra, Police Station- Fatehpur, District- Gaya.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumers Protection, Governmetn of Bihar, Patna.
2. The Divisional Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Gaya.
4. The Sub- Divisional Officer, Sadar Gaya, District- Gaya.
5. The Block Supply Officer, Tankuppa, District- Gaya.

.... Respondents

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Appearance :

For the Petitioner : Mr. Binay Kumar, Advocate.

For the Respondents : Mr. S.Raza Ahmad, AAG-5
Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-02-2018

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 06.12.2017 contained in memo no. 977 passed by the Licensing Authority cum the Sub-Divisional Officer, Sadar Gaya, whereby the license No. 14/07 (old) 13/16 (new) of the petitioner granted under Bihar Targeted Public Distribution System (Control) Order, 2016 has been cancelled by a cryptic and unreasoned order in very capricious manner and for direction upon the respondent no. 4 to continue allocation to the Public Distribution System Shop of the petitioner after declaring the cancellation order null and void.

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-7 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.

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 06.12.2017 (Annexure-1) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Sadar Gaya, District- Gaya 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. Supplies to 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/-

AFR/NAFR	NAFR
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