

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14054 of 2017

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Ram Balak Rai, Son of Late Harkhit Rai, Resident of Village- Jagdishpur, P.O.-
Kushmahaut, P.S.- Nima Chandpura, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate, Begusarai, District- Begusarai.
3. The Licensing Authority-cum-sub Divisional Officer, Begusarai, District- Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Labh

For the Respondent/s : Mr. SANJAY KUMAR GIRI - GP9

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

Date: 14-08-2018

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner challenges the order dated 25.08.2017
issued by Memo No. 407 by the Licensing Authority, respondent
no. 3, the Sub Divisional Officer, Begusarai whereby the Fair
Price Shop bearing Licence No. BGS (R) 68 of 2016 has been
cancelled.



Petitioner submits that the order has been passed in a most arbitrary and irrational manner without consideration of the fact that the PDS shop was running smoothly and cancellation of his licence is bad in law.

Learned counsel for the State, however, files his counter affidavit stating therein that three show cause notices were issued to the petitioner vide Memo No. 335 dated 14.07.2017, Memo No. 364 dated 26.07.2017 and Memo No. 392 dated 11.08.2017 and enquiry report was also served to the petitioner but petitioner did not submit any reply to the three show cause notices. Therefore, the Licensing Authority had no option but to cancel the P.D.S licence of the petitioner.

Since no opportunity was availed by the petitioner and the order passed is an ex parte order, the cancellation order dated 25.08.2017 passed by the respondent no. 3, Sub Divisional Officer, Begusarai is quashed with liberty to the petitioner to file his show cause reply. The Licensing Authority i.e. the Sub Divisional Officer, Begusarai is directed to give one more opportunity to the petitioner to file his reply and if the petitioner files a reply to the show cause by 29th of August, 2018, the same may be considered in accordance with law.

However, it is made clear that if 3rd party right has



been created in the meantime, this order will not have any affect.

Writ application is disposed off, accordingly.

(Nilu Agrawal, J)

Devendra/Priyanka

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.08.2018
Transmission Date	NA

