

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3259 of 2017

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Mahendra Paswan, S/o Late Amrit Paswan, Resident of Baduri Aam Ghata,
P.S.- Sahiyara, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food & Consumer Protection Department, Bihar, Patna.
2. The District Magistrate-cum-Collector, Sitamarhi.
3. The Sub-Divisional Officer, Sadar, Sitamarhi.
4. The Block Supply Officer, Riga, Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari
For the Respondent/s : Mr. S. Raza Ahmad, AAG-5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-12-2018 The present writ petition has been filed for quashing the order dated 31.01.2017 passed by the Sub-Divisional Officer, Sadar, Simamarhi, whereby and whereunder the P.D.S. license of the shop of the petitioner has been cancelled.

The learned counsel for the petitioner submits that the notice issued to the petitioner dated 31.12.2016 is contrary to the provisions under Rule 27(ii) of the Bihar Targeted P.D.S. (Control) Order, 2016 which is reproduced herein below:-

“27(ii). No order of cancellation of a license shall be made until the licensee has been given sufficient opportunity to state his case against the proposal of cancellation of his license.”

The learned counsel for the petitioner has submitted



that the notice issued to the petitioner dated 31.12.2016 does not contain the proposed punishment as regarding cancellation of the P.D.S. license of the shop of the petitioner herein, hence the petitioner has been precluded from submitting his wholesome defence resulting in violation of the principles of natural justice apart from the fact that the said notice is contrary to Rule 27(ii) of the Bihar Targeted P.D.S. Control Order, 2016.

The learned counsel for the petitioner has referred to a judgment rendered by the learned Division Bench of this Court reported in **2018(4) PLJR 516 (Ram Bachan Ram vs. State of Bihar)**, which squarely covers the present case.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the parties, the writ petition is allowed and the impugned order dated 31.01.2017 passed by the Sub-Divisional Officer, Sadar, Sitamarhi is quashed, however, with liberty to the said Sub-Divisional Officer to proceed in the matter afresh, in accordance with law.

The writ petition stands allowed.

S.Sb/-

(Mohit Kumar Shah, J)

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