

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10086 of 2017

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Raza Ishtayaq Son of Late Hussain Raja, Resident of Ward No.17, Bata Chauk,
Madhubani, Police Station-Madhubani, District-Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Food and Consumer Protection Department, Patna.
2. The District Magistrate, Madhubani.
3. The Sub Divisional Officer, (Supply Section), Sadar, Madhubani..
4. The District Supply Officer, Madhubani
5. The Panan Officer, Urban Area, Madhubani.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad

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

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-07-2018

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

2. The present writ petition has been filed for quashing the order of suspension of the petitioner's PDS licence, passed by the Sub-Divisional Officer (Supply Section), Sadar, Madhubani vide Memo No. 602 dated 16.06.2017 ; and for connected reliefs.

3. Learned counsel for the petitioner invites attention to the impugned order dated 16.06.2017 according to which the petitioner's PDS licence has been suspended on the ground that the petitioner was elected as Ward Councillor of Ward No. 17, Madhubani.

4. It is further pointed out that even though the order of suspension has been passed as far back as on 16.06.2017, no show cause notice thereafter for taking any lawful action has been initiated



against him even after lapse of more than 180 days, as contemplated under Rule 28 of the Bihar Targeted PDS (Control) Order, 2016.

5. Learned counsel for the respondents appears and has been heard.

6. 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 16.06.2017 (Annexure-2) is hereby quashed and the matter remanded to the Sub-Divisional Officer (Supply Section), Sadar, Madhubani 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. Licence of the petitioner shall be restored without delay until fresh orders are passed by the respondent no. 3.

7. It is made clear that in case the stand of the petitioner denying service of show cause notice prior to the order of suspension being passed is found to be incorrect, the respondents shall be at liberty to approach this Court for recall of this judgment.

8. The writ petition stands allowed as above.

(Vikash Jain, J)

Chandran/BT

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