

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19495 of 2018

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Pawa Pacs through its Chairman, Namely, Kameshwar Prasad Sharma, son of Late Jethu Singh, resident of Village- Pawa, P.S. Deepnagar, District Nalanda.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food & Consumer Protection, Government of Bihar, Patna.
2. The Collector, Nalanda.
3. the Sub Divisional Officer, Biharsharif, Nalanda.
4. The Block Supply Officer, Biharsharif, Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Sr. Adv.

Mr. Dhananjaya Nath Tiwari

For the Respondent/s : Mr. S.RAZA AHMAD -AAG5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 01-10-2018

The present writ petition has been filed for setting aside the order dated 04.09.2018 passed by the S.D.O., Biharsharif, Nalanda whereby and whereunder the P.D.S. licence of the petitioner's shop has been cancelled.

The learned Senior counsel appearing for the petitioner has raised a short issue to the effect that the notice issued against the petitioner herein dated 10.08.2018 does not contain the proposed punishment i.e. regarding cancellation of the PDS dealership of the petitioner herein. The learned Senior counsel has placed reliance on a judgment reported in 2015(3) PLJR 189 [**Parsauni Khirodhar Primary Agriculture Co-Operative Society Ltd. & Ors. vs. The State of Bihar through the Collector, Sitamarhi & Ors.**] whereby and whereunder a co-ordinate Bench of this Court has quashed the order by which the PDS licence has been cancelled on the ground that no notice was issued against the proposed cancellation under Clause 7(ii) of the Bihar Fair Price Shop Order.



Having regard to the facts and circumstances of the case, this Court is in agreement with the aforesaid judgment passed by the co-ordinate Bench of this Court as in the present case as well the show cause notice does not contain the proposed punishment to be inflicted upon the petitioner herein, hence the impugned order dated 04.09.2018 passed by the S.D.O., Biharsharif, Nalanda, is quashed with liberty to the S.D.O., Biharsharif, Nalanda to proceed in the matter afresh in accordance with law.

The writ petition is allowed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
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Transmission Date	N/A

