

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13496 of 2018

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Surya Narayan Singh, son of Chhathu Singh, resident of Village Khagaria,
P.O. Telihar, P.S. Beldaur, District Khagaria

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Supply Department, Government of Bihar, Patna
2. The District Magistrate cum Collector, District Khagaria
3. The Block Food and Supply Officer, Beldaur, District Khagaria
4. The Sub-Divisional Officer, Gogri, District Khagaria
5. The Assistant District Supply Officer, Gogri, District Khagaria

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
For the Respondent/s : Mr. S. Raza Ahmad, AAG-5

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT

Date : 13-08-2018

Heard learned counsel for the petitioner and learned
counsel appearing for the State.

2. Petitioner challenges the order bearing Memo No. 141
dated 21.03.2018 (Annexure-1), passed by the Licensing Authority
i.e. the Sub-Divisional Officer, Gogri, Khagaria(Respondent No.
4) whereby P.D.S. licence of the petitioner has been cancelled.

3. Learned counsel for the petitioner submits that the
show cause notice dated 08.03.2018, Annexure-2 only postulated
that he would only show his receipt register (Bhandar Panji). He
submits that cancellation of his P.D.S. licence is in violation of
Clause 27(ii) of the Bihar Targeted Public



Distribution System (Control) Order, 2016 as no show cause notice has been issued to the petitioner giving sufficient opportunity to state his case against proposal of cancellation of his P.D.S. licence. He further submits that in L.P.A. No. 499 of 2018, a Division Bench of this Court vide order dated 10.07.2018 on similar facts has remanded the matter for fresh consideration in accordance with law.

4. Since the provisions of Clause 27(ii) of the Bihar Targeted Public Distribution System (Control) Order, 2016 has not been followed, which amounts to violation of principles of natural justice, the order bearing Memo No. 141 dated 21.03.2018, Annexure-1, passed by the Sub-Divisional Officer, Gogri, Khagaria is quashed. The matter is remanded to the Licensing Authority for fresh consideration and to take a decision in accordance with law after serving show cause notice to the petitioner. Supply to the petitioner be restored forthwith.

5. The writ application is allowed as above.

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.08.2018
Transmission Date	NA

