

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21068 of 2018

=====

Ashok Kumar Yadav, son of Late Khokha Yadav, Resident of village-Sahora,
Police Station-Gopalpur (Rangra O.P.), District-Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar & Ors

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha

For the Respondent/s : Mr. S. Raza Ahmad, AAG-5

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-12-2018 The present writ petition has been filed for quashing the order dated 31.10.2017, whereby and where under the Sub-Divisional Magistrate, Navgachhiya has cancelled the license of the P.D.S. shop of the petitioner.

The short point raised by the petitioner is that in the show cause notice dated 09.09.2017, the proposed punishment of cancellation of the P.D.S. license of the shop of the petitioner was not mentioned.

The learned counsel for the petitioner has submitted that in view of the non-mentioning of the proposed punishment of cancellation in the show cause notice, the respondents have violated Clause 27(ii) of the Bihar Targeted P.D.S. Control Order, 2016 as well as have precluded the petitioner from submitting his defence to the proposed punishment of



cancellation of license thus violating the principles of natural justice.

The learned counsel for the respondents does not dispute the position in law.

Having regard to the facts and circumstances of the case, the writ petition is allowed and the order dated 31.10.2017 passed by the Sub-Divisional Magistrate, Navgachchiya is quashed, however, with liberty to the Sub-Divisional Magistrate, Navgachchiya to proceed afresh in accordance with law.

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

