

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21580 of 2018

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Ful Kumari Devi, W/o Nageshwar Rajjak, Resident of Village-Kadirganj,
P.S.-Kadirganj, District-Nawada

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary Food & Consumer Protection
Department, Old Secretariat, Patna
2. The Collector, Nawada
3. The Sub-Divisional Officer, Sadar, Nawada
4. Additional District Supply Officer, Nawada

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand
For the Respondent/s : Mr. S.Raza Ahmad -Aag5

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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 13.08.2018 passed by the District Magistrate,

Nawada as also the original order dated 31.08.2016 passed by

the S.D.O., Sadar, Nawada whereby and whereunder the P.D.S.

licence of the shop of the petitioner has been cancelled.

The short issue raised by the petitioner is that while
issuing show cause dated 01.08.2016, the proposed punishment
of cancellation of licence was not mentioned, which is contrary
to Rule 27(ii) of the Bihar Targeted Public Distribution System
(Control) Order, 2016 and the same has also precluded the
petitioner from submitting her wholesome defence to the
proposed punishment of cancellation of licence. It is, thus,
submitted that in view of the aforesaid lacunas in the show



cause notice dated 01.08.2016, the order passed by the S.D.O.,
Sadar, Nawada as also the appellate order are bad in law.

The learned counsel for the Respondents does not
dispute the position, as existing in law.

Having regard to the facts and circumstances of the
case, the impugned orders dated 13.08.2018 and 31.08.2016 are
quashed. The writ petition is allowed.

It is needless to state that the Sub Divisional Officer,
Sadar, Nawada shall be free to proceed afresh in accordance
with law, if he so desires.

(Mohit Kumar Shah, J)

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