

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17795 of 2017

=====

Kamlesh Kumar Son of Jagsuhawan Singh Resident of Village-Barhka Gaon,
P.S. Tarari, District Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Affairs, Government of Bihar, Patna.
2. The District Magistrate, District Bhojpur, Bihar.
3. The Sub Divisional Officer, Block Tarari, District- Bhojpur, Bihar.
4. The Deputy District Supply Officer, Piro, District Bhojpur, Bihar.
5. The Officer In Charge, Tarari, P.S. District Bhojpur , Bihar.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Prabhat Ranjan, Advocate
		Mr. Chandan Kumar, Advocate
For the Respondent/s	:	Mr. Upendra Pratap Singh, AC to SC-4

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT

Date : 01-08-2018

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner seeks quashing of Memo No. 83 dated 15th
February, 2017 issued by the Sub Divisional Officer, Piro, Bhojpur
which is Annexure-2 by which his PDS licence no. 41/2016 has
been cancelled in terms of Part-4 of the Bihar Targeted Public
Distribution System (Control) Order 2016.

Learned Counsel for the petitioner made a categorical
statement at Para-12 of his writ petition that no order issuing show
cause was given to him and his licence has been cancelled without
show cause, hence, it is violation of principles of natural justice



and on this ground he seeks quashing of the cancellation of his licence.

Learned counsel for the State, however, submits that vide Memo No. 13 dated 10.01.2017, a show cause suspending the licence was issued to the petitioner but he filed no reply.

Since a categorical statement has been made by the petitioner that no show cause was issued to him, which is the postulate of Section 28 of the said Control Order 2016, Annexure-2 dated 15.02.2017 is quashed and the matter is remanded to the licensing authority, Respondent No. 3 to act in accordance with law.

In the meantime, supplies be restored to the petitioner forthwith.

The writ application is allowed.

(Nilu Agrawal, J.)

Arjun/Pragya

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.08.2018
Transmission Date	NA

