

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18350 of 2017

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Lalan Dwevedi, Son of Ram Narayan Dwevedi, Resident of Village- Patahi, P.O.-
Patahi, P.S.- Patahi, District- East Champaran (Motihari).

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Supply Department, Govt. of Bihar, Patna.
2. The District Magistrate-cum-Collector, East Champaran, Motihari.
3. The Block Food and Supply Officer, Patahi East Champaran, Motihari.
4. The Sub-Divisional Officer, Pakaridayal, East Champaran, Motihari.
5. The Block Development Officer, Pakaridayal, East Champaran, Motihari.
6. The Circle Officer, Patahi, East Champaran, Motihari.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Shivendra Kishore, Sr. Advocate
Mr. Ajay Kumar Sinha, Advocate

For the Respondent/s : Mr. Arvind Ujjwal-SC4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 25-01-2018

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The present writ petition has been filed for quashing the order contained in memo no. 2508 dated 27.11.2017 passed by the Sub-Divisional Officer, Pakridayal, East Champaran, Motihari by which licence of the petitioner's Fair Price shop bearing no. 74/2016 has been cancelled and monthly allotment has been stopped; and further to restore the petitioner's licence.

3. Learned counsel for the petitioner makes a short submission to assail the impugned order on the ground that the licence of the petitioner's PDS shop has been cancelled without any bona fide reason, issuing any show cause notice and without an opportunity of being heard. A specific stand has been taken in para 5 and 14 of the writ petition that the impugned order of cancellation of licence has been passed without



any bona fide reason and issuance of any show cause notice.

4. Learned counsel for the respondents appears and has been heard. The stand of the petitioner has not been controverted, as no counter affidavit has been filed till date.

5. In the above view of the matter, this Court is satisfied that cancellation of the petitioner’s PDS licence without any bona fide reason and issuance of any show cause notice has resulted in violation of natural justice and thus the decision making process stands vitiated. The impugned order dated 27.11.2017 (Annexure-1) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Pakridayal, East Champaran, Motihari for taking decision afresh in the matter after granting an opportunity of hearing to the petitioner in accordance with law. Supplies to the petitioner shall be restored without delay until fresh orders are passed by the respondent no. 4.

6. It is made clear that in case the stand of the petitioner denying receipt of any show cause notice prior to the order of cancellation being passed is found to be incorrect, the respondents shall be at liberty to approach this Court for recall of this judgment.

7. The writ petition stands allowed as above.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
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