

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14340 of 2018

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Chandrika Sah, Son of Sri Mahadev Sah, Resident of Ward No.45, P.O.-
Mainatand, P.S.- Narkatiyaganj, West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Civil Supply Department,
Government of Bihar, New Secretariat, Patna.
2. The District Magistrate, West Champaran, Bettiah.
3. The Sub Divisional Officer, Narkatiyaganj West Champaran, Bettiah

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra
For the Respondent/s : Mr. Arvind Ujjwal- Sc4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 04-10-2018 The present writ petition has been filed for quashing the

order dated 03.02.2018 passed by the Sub Divisional Officer,

Narkatiyaganj, West Champaran whereby and whereunder the

P.D.S. licence of the petitioner herein has been cancelled.

The short ground raised by the learned counsel for the
petitioner herein is that the impugned order of cancellation of
the P.D.S. licence has been passed without issuing a show cause
containing proposed action of cancellation of the P.D.S. licence
of the petitioner, hence, the licence of the petitioner has been
cancelled without being confronted with the proposed
punishment.

The learned counsel for the petitioner has placed reliance
on a judgment reported in **2015 (3) PLJR 189** as also the one



reported in *2010 (3) PLJR 825*.

I have heard the learned counsel for the parties and perused the materials on record and I find that there is no dispute with regard to the fact that the show cause issued to the petitioner nowhere mentions the proposed punishment of cancellation of P.D.S. licence, hence, the same vitiates the impugned order dated 03.02.2018, being violative of the principles of natural justice.

For the reasons mentioned hereinabove, the impugned order dated 03.02.2018 passed by the Sub Divisional Officer, Narkatiyaganj, West Champaran is quashed, however, with liberty to the Sub Divisional Officer, Narkatiyaganj, West Champaran to proceed further in accordance with law, if so advised.

The writ petition is allowed.

(Mohit Kumar Shah, J)

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