

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14418 of 2018

Ful Kumar Sah son of Late Shivji Sah Resident of Village Sirkhariya, P.S.
Jhanjharpur (Araria Sangram O.P.), District Madhubani ... Petitioner
Versus

1. The State of Bihar through the Principal Secretary-cum-Commissioner,
Department of Food and Consumer Protection, Government of Bihar, Patna.
 2. The District Magistrate-cum-Collector, Madhubani.'
 3. The Sub-Divisional Officer-cum-Licensing Authority, Jhanjharpur, District
Madhubani.
 4. The Block Supply Officer, Jhanjharpur ... Respondents
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Appearance :

For the Petitioner : Mr. Arjun Kumar, Adv.
For the Respondents : Mr. Arvind Ujjwal, SC IV

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 10-08-2018 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner seeks quashing of Memo No. 278, dated 09.07.2018, passed by the respondent no. 3, the Subdivisional Officer, Jhanjharpur, whereby the PDS licence of the petitioner, being Licence No. 40 of 2016 has been cancelled. It has been submitted by the learned counsel for the petitioner that the show cause notice only postulated three days' time to reply with regard to certain discrepancies, which were found and the cancellation order, dated 09.07.2018, speaks of an earlier confiscation of food grains in which the petitioner was not found guilty. Thereafter, the beneficiaries represented before the licensing authority and the petitioner having not given satisfactory reply, his license was cancelled.

Learned counsel for the petitioner has challenged the cancellation order on the ground that three days' time was not



sufficient and he was ill although he filed a reply on 03.07.2018 stating his illness, the enquiry which was conducted by the authorities, copy of the same was not supplied to him and the list of beneficiaries, who had complained against him, was also not supplied to him.

Learned counsel for the State appears.

Since, three days' time was granted to file show cause which is highly insufficient and is in violation of principles of natural justice and that the list of beneficiaries who had complained against the petitioner and the enquiry report was not served on the petitioner, the impugned order of cancellation, dated 09.07.2018, cancelling the PDS Licence No. 40 of 2016 is **quashed**.

The matter is remanded to the respondent no. 3, the Sub-Divisional Officer-cum-Licensing Authority, Jhanjharpur, District Madhubani, to give sufficient opportunity to reply to the show cause and also supply the enquiry report and list of beneficiaries who had complained against the petitioner. The supplies are to be restored forthwith until fresh orders are passed.

With the aforesaid observations and directions, this application is **allowed**.

(Nilu Agrawal, J)

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