

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14561 of 2018

=====

Nand Kishore Gupta, Son of Late Niranjana Sah, resident of Village-
Barharwa, P.S.- Matiyaria, District West Champaran (Bettiah).

.... Petitioner/s

Versus

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

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra

For the Respondent/s : Mr. S.Raza Ahmed –AAG-5

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 24-09-2018

The present writ petition has been filed for quashing the order dated 20.01.2016 by which the PDS licence of the petitioner has been cancelled pursuant to a show cause notice dated 11.01.2016.

The short point raised for consideration by the learned counsel for the petitioner is that the order of cancellation of the petitioner's PDS Licence has been passed without mentioning the proposed punishment of cancellation of licence in the show cause notice issued to the petitioner herein, hence, the impugned action has been taken without confronting the petitioner with regard to proposed cancellation of the licence.

The learned counsel for the petitioner has placed reliance on the decision of this Court rendered in the case of *Bhola Prasad Yadav Vs. The State of Bihar & others* reported in 2010(3) PLJR 825 as also the one rendered in the case of *Parsauni Khirodhar Primary Agriculture Co-operative Society Ltd. & others Vs. The State of Bihar and others*, reported in



2015(3) PLJR 189.

I have heard the learned counsel for the parties and it is apparent from the show cause notice that no mention was made on the point of proposed punishment of cancellation of licence, hence, the petitioner was not confronted with regard to the proposed cancellation, as such the entire decision making process leading to the cancellation of the licence in violative of the principles of natural justice.

Having regards to the facts and circumstances of the case and in view of the laid down by this Court in a catena of judgments, the impugned order dated 20.01.2016 is quashed.

The present writ petition is allowed.

The licensing authority is granted liberty to take action afresh in accordance with law.

(Mohit Kumar Shah, J)

BTiwary/Md. Rashid

U			
---	--	--	--

