

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23141 of 2018

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Dharmendra Kumar Pandey, son of Lalan Pandey, resident of ward no. 1
Sikaulfathepur, P.S. Sikrahatta, District-Bhojpur

... .. Petitioner/s

Versus

The State of Bihar & Ors

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra

For the Respondent/s : Mr. S. Raza Ahmad, AAG-5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-12-2018 The present writ petition has been filed for quashing of the order dated 29.10.2018 passed by the Sub-Divisional Officer, Piro, Bhojpur Ara, whereby and where under the P.D.S. license of the shop of the petitioner has been cancelled.

The learned counsel for the petitioner submits that although three notices were served on the petitioner by the Sub-Divisional Officer i.e. one dated 30th November, 2017, the other dated 13th December, 2017 and the third one dated 28th February, 2018, however, none of the said show cause notices mention the proposed punishment of cancellation of the license, however, the license of the petitioner has been cancelled by the impugned order dated 29.10.2018.

The learned counsel for the petitioner has placed reliance on a decision of this Court rendered in the case of



Bhola Prasad Yadav vs. The State of Bihar & Ors. 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 license, 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 license is violative of the principles of natural justice.

Having regards to the facts and circumstances of the case and in view of the law laid down by this Court in a catena of judgments, the impugned order dated 29.10.2018 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)

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