

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4706 of 2019

=====

Vinay Kumar Mishra @ Binay Kumar Mishra, Son of Late Bilat Mishra,
Resident of Manik Chowk, P.S.- Runnisaidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Sitamarhi.
3. The Sub-Divisional Officer, Sitamarhi.
4. The Block Supply Officer, Sitamarhi.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur, Advocate
For the Respondent/s : Mr.S. Raza Ahmad, AAG-5

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 27-07-2019 Petitioner in the present case is aggrieved by the order dated 27.11.2018 passed by the District Magistrate, Sitamarhi in Supply Appeal Case No. 153/2016 by which the District Magistrate, Sitamarhi has dismissed the appeal preferred by the petitioner for setting aside the order dated 30.11.2016 passed by the Sub-Divisional Officer, Sitamarhi.

Learned counsel for the petitioner submits that vide Annexure '2' to the writ application the petitioner was served with a show cause notice calling upon him to explain the allegations mentioned therein within a period of three days. The show cause notice did not propose cancellation of licence as envisaged under Clause 27(ii) of the Bihar Targeted P.D.S. (Control) Order, 2016 (hereinafter referred to as the "Control



Order, 2016”), but thereafter the Sub-Divisional Officer, Sitamarhi proceeded to pass the impugned order by which the licence of the petitioner has been cancelled. He has relied upon a judgment of the Hon’ble Division Bench of this Court in the case of **Ram Bachan Ram Vs. The State of Bihar and Ors reported in 2018(4) PLJR 516.**

Learned counsel for the State is present and after going through the show cause notice finding that there is no proposal for cancellation of licence, if the licence has been cancelled, learned counsel for the State submits that the matter may be remitted to the Sub-Divisional Officer, Sitamarhi Sadar for a fresh consideration and passing of the reasoned order.

Having heard learned counsel for the petitioner and the State, in view of the admitted fact that in the show cause notice there was no proposal to cancel the licence which is a mandatory requirement of Clause 27(ii) of the Control Order, 2016, following the judgment of the Hon’ble Division Bench of this court in the case of **Ram Bachan Ram (supra)**, this court sets aside the impugned orders and remit the matter to the office of the Sub-Divisional Officer, Sitamarhi Sadar for a fresh consideration.

Let the Sub-Divisional Officer, Sitamarhi Sadar



consider the issue after giving a fresh show cause notice with all supporting materials and after giving opportunity of hearing to the petitioner a reasoned order will be passed within a period of 90 days from the date of service of show cause notice on the petitioner.

As a result of setting aside of the impugned order, the licence and supplies of the petitioner shall stand restored.

This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-sunil

U			
---	--	--	--

