

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1770 of 2019

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Upendra Prasad Yadav. 51 years Male, S/o Late Ram Ayodhya Prasad Yadav,
Resident of Village- Raghunathpur Bhelura, P.S.- Naubatpur, District- Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Collector, Patna.
3. The Sub Divisional Officer, Danapur, Patna.
4. The Block Supply Officer, Naubatpur, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Adv. Mr.D.N. Tiwari, Adv.
For the State	:	Mr.S.Raza Ahmad,AAG5. Alok Ranjan, AC to AAG 5.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-02-2019 Heard learned Senior Counsel representing the

petitioner and learned AC to AAG 5 on behalf of the State.

Learned counsel for both the parties are unanimous in saying that the matter involves a pure question of law as it would appear from a bare perusal of Sub-Clause (II) of Rule 27 of the Bihar Targeted Public Distribution System (Control) Order, 2016 that before passing an order of cancellation of license a show cause calling upon the licensee to show as to why the license should not be cancelled is required to be served upon him.



In the present case, the facts are not in dispute inasmuch as, learned Senior Counsel has shown to this Court from Annexure '2' to the writ application that the license of the petitioner has been cancelled on the ground that he had failed to submit any reply to the order as contained in Memo No.193 dated 27.02.2018, a copy of which is enclosed as Annexure "1" to the writ application.

Learned Senior Counsel has shown to this Court that by order dated 27.02.2018 as contained in Annexure "1" to the writ application, the license of the petitioner was placed under suspension. It was issued in shape of an order, as no show-cause notice was given to the petitioner.

Since, it is apparent from the record that prior to cancellation of the license no show cause proposing cancellation was served upon the petitioner, this writ application is being allowed on this solitary ground alone. The order as contained in Annexure "2" vide Memo No.321/20.04.2018 is hereby set-aside and the matter is remitted to the Sub Divisional Officer, Danapur to proceed further afresh in accordance with law. The whole exercise in this regard must be completed within a period of 90 days from the date of receipt/production of a copy of this order.



The writ application stands disposed of, accordingly.

(Rajeev Ranjan Prasad, J)

R.R.Ojha/-

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