

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1860 of 2019**

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Sudhir Pandey aged about 53 years, Gender – Male, Son of Paras Nath  
Pandey R/o Vill- Pakari, Krishnagarh, P.S. Barhara, District- Bhojpur

... .. Petitioner

Versus

1. The State of Bihar through Secretary, Food and Civil Supply Department, Old Secretariat Patna
2. The District Magistrate, Ara, Bihar
3. The S.D.O. Sadar Ara
4. The Block Supply Officer, Barhara, Ara, Bihar

... .. Respondents

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**Appearance :**

For the Petitioner/s : Mr. Vijay Anand, Advocate  
For the Respondent/s : Mr. Alok Ranjan AC to AAG5

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      20-02-2019                      Heard learned counsel for the petitioner and learned  
counsel representing the State.

Petitioner is aggrieved by order as contained in Memo  
No. 4306 dated 26.12.2018 passed by Sub-Divisional Officer,  
Sadar, Ara (Respondent No. 3) by which the license of the  
petitioner of his Public Distribution Shop has been cancelled.

Learned counsel for the petitioner submits that the  
order, as contained in Annexure-2, has been passed without  
serving any show cause notice upon the petitioner. It is  
submitted that a bare perusal of the impugned order would show  
that there is no mention of the fact that any show cause was  
served upon the petitioner. He has further stated that a show



cause notice dated 15.12.2018 was received by the petitioner along with the cancellation order.

Learned counsel for the State submits that from Annexure-2 at least it is not clear that any show cause notice was issued to the petitioner.

In the given facts and circumstances of the case, this court finds that it would be just and proper to set aside the impugned order as contained in Annexure-2 and the matter be remitted to the Sub-Divisional Officer, Sadar, Ara (Respondent No. 3) to consider the whole matter afresh after giving a proper opportunity of hearing to the petitioner.

The impugned order, as contained in Annexure-2, is thus set aside.

The petitioner may now submit his reply to the show cause notice within four weeks from today, thereafter the respondent no. 3 shall consider the same in accordance with law and a reasoned order thereon shall be communicated to the petitioner within a maximum period of three months from the date of submission of his reply.

Since the license of the petitioner has been cancelled without giving him any opportunity of hearing, this court also thinks it just and proper to direct respondent no. 3 to restore the



license forthwith with all consequential benefits, which will be  
subject to final outcome of the Writ Application.

This Writ Application stands disposed of in terms  
stated hereinabove.

**(Rajeev Ranjan Prasad, J)**

Rajeev/-

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