

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4594 of 2019

Navin Kumar Singh S/o Kamal Kishore Singh Resident of Village-Rupas
Mahaji,P.S.-Salimpur,Dist.-Patna

... .. Petitioner

Versus

1. The State of Bihar through Secretary, Food and Civil Supply
Department, Old Secretariat, Patna
2. The S.D.O. Barh, Patna
3. The Block Supply Officer, Bakhtiyarpur, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate Mr. Vijay Anand, Advocate Mr. P.C. Agrawal, Advocate
For the Respondent/s	:	Mr. Alok Ranjan, AC to AAG 5

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-07-2019 Heard learned Senior Counsel for the petitioner and
learned counsel representing the State.

In this case the petitioner is aggrieved by and dissatisfied with the order as contained in Memo No. 331 dated 31.08.2018 by which the Public Distribution System Shop license of the petitioner has been cancelled by the Sub-Divisional Officer, Barh, Patna (respondent no. 2).

Learned Senior Counsel for the petitioner submits that on perusal of Annexure '3' and Annexure '4' which are the show cause notice issued to the petitioner it will appear that the same did not contain any recital proposing cancellation of license. According to learned Senior Counsel, if the said recital is not there in the show cause notice and subsequently the license has



been cancelled by the respondent no. 2, it is in violation of Clause 27 (ii) of the Bihar Targeted P.D.S. (Control) Order, 2016 (hereinafter referred to as the 'Control Order, 2016'). It is submitted that this is no longer *res-integra* inasmuch as a Division Bench of this Court in the case of **Ram Bachan Ram Vs. The State of Bihar & Ors.** reported in **2018 (4) PLJR 516** has enunciated the legal proposition saying that for non-compliance with the provisions of the aforesaid Clause 27 (ii) of the Control Order, 2016, the impugned order shall be liable to be quashed and cancelled.

Learned counsel for the State accepts the legal position.

In the given facts and circumstances of the case, the impugned order is hereby set aside. The matter is remitted to the respondent no. 2 for a fresh consideration in case so advised to proceed with the matter and conclude the same within a period of 3 months from the date of receipt/production of a copy of this order.

In view of the setting aside of the impugned order, the license of the petitioner shall stand restored.

The writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

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