

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3260 of 2019

Virendra Kumar Singh, aged about 66 years (Male), S/o Chandrika Sharma
Resident of Suratpur Vidhya, Narayanpur Buzurg, P.S.-Rajapakar, Distt.-
Vaishali

... .. Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Food and Consumer Protection, Govt. of Bihar, Patna
2. The Collector Vaishali
3. The Sub Divisional Officer Mahua, Vaishali.
4. The Block Supply Officer Rajapakar, Vaishali.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr.Dhananjaya Nath Tiwari, Advocate Ms. Preety Kunwar, Advocate
For the Respondent/s	:	Mr.S.Raza Ahmad (AAG5) Mr. Alok Ranjan, AC to A.A.G.5

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 26-06-2019 Petitioner, in the present case, has challenged the order as contained in Memo No. 52 dated 09.01.2019 passed by the Sub-Divisional Officer, Mahua as contained in Annexure '3' to the writ application, whereby the P.D.S. license of the petitioner has been cancelled.

A short question has been raised for the purpose of setting aside the impugned order. Learned counsel submits that the show cause notice dated 26.12.2018 (Annexure '1') issued to the petitioner did not propose any cancellation action. It is submitted that if the cancellation action was not proposed in terms of Rule 27(ii) of the Bihar Targeted P.D.S. (Control)



Order, 2016, in view of the Hon'ble Division Bench Judgment of this court in the case of ***Ram Bachan Ram Vs. The State of Bihar reported in 2018(4) PLJR 516***, the subsequent action is liable to be held bad in law.

Although a counter affidavit has been filed on behalf of the State, however in course of hearing, learned counsel for the State submits that in view of the Hon'ble Division Bench Judgment of this court the matter may be remitted to the office of the Sub-Divisional Officer, Mahua for fresh consideration.

In the given facts and circumstances, following the judgment of the Hon'ble Division Bench in the case of ***Ram Bachan Ram (supra)*** this court would hold and declare that the impugned action for cancellation of the P.D.S. license of the petitioner without giving him an opportunity to show cause against a proposed action of cancellation, would be wholly illegal and without jurisdiction, hence the same is liable to be set aside. The impugned order as contained in Annexure '3' is, therefore, set aside.

The matter is remitted to the office of the Sub-Divisional Officer, Mahua who will now consider the case of the petitioner afresh and will be at liberty to proceed against him in accordance with law. It is however the Sub-Divisional



Officer, Mahua is directed to complete the whole exercise within a period of three months from the date of receipt/production of a copy of this order.

The P.D.S. license of the petitioner is restored forthwith.

Accordingly, this application is disposed of.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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