

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8545 of 2019

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Satyendra Prasad, Male, aged about 56 years, S/o Late Avadh Prasad Resident
of Danara P.S.- Bikram Distt.- Patna.

... .. Petitioner

Versus

1. The State of Bihar through the Secretary Food and Civil Supply Government
of Bihar New Secretariat Patna.
2. The District Magistrate Patna
3. The Sub Divisional Officer Paliganj Distt.- Patna.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar Mishra, Advocate Ms. Neha Gupta, Advocate
For the Respondent/s	:	Mr.Arvind Ujjwal (SC4)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

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

Petitioner, in the present case, is aggrieved by the
order as contained in Memo No. 530 dated 29.11.2018 by which
the fair price shop licence of the petitioner has been cancelled.

Learned counsel for the petitioner submits that the
licence of the petitioner was suspended w.e.f. 09.06.2018,
thereafter vide Annexure '3' to the writ application, the
petitioner was called upon to submit his explanation along with
the evidences on irregularities said to have been found in course
of inquiry.

It is submitted that Annexure '3' did not contain any
proposal for cancellation of licence but thereafter the licence of



the petitioner has been cancelled by the impugned order.

Learned counsel 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** to submit that Hon'ble Division Bench of this court has while interpreting Rule 27(ii) of the Bihar Targeted P.D.S. (Control) Order, 2016 (hereinafter referred to as the "Control Order, 2016") held that prior to cancellation of the licence a show cause notice proposing such cancellation must be served upon petitioner.

Learned counsel for the State submits that apparently from Annexure '3' it does not appear that any proposal for cancellation of licence was given to the petitioner. Hence, the matter may be remitted to the Sub-Divisional Officer, Paliganj, District – Patna for a fresh consideration.

In the given facts and circumstances of the case, this court finds substance in the submission of learned counsel for the petitioner. The impugned order as contained in Annexure '4' to the writ application is hereby set aside. The matter is remitted to the Sub-Divisional Officer, Paliganj, District – Patna who will serve a fresh show cause notice in accordance with law upon the petitioner, and after seeking his explanation he would



enquire into the matter and shall pass a reasoned order thereon 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)

Rajeev/-

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