

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5431 of 2019

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Bhola Das S/o Late Vishni Das, Res. of Vill.- Tehta, P.S.- Makhdumpur (Tehta O.P.) Distt.- Jehanabad.

... .. Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Jehanabad.
3. The Sub - Divisional Officer Jehanabad, Distt.- Jehanabad.
4. The District Supply Officer Jehanabad.
5. The Block Supply Officer, Makhdumpur, Distt.-Jehanabad.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr.Upendra Kumar, Advocate Ms.Kumari Sujata Sinha, Advocate
For the State	:	Mr.Upendra Pratap Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 07-11-2019 Heard learned counsel for the petitioner as well as the State, in the admitted facts of the case, learned counsel for the State submits that the writ application may be disposed off without inviting a counter affidavit and in terms of the settled judicial pronouncements i.e. the show cause notice issued to the petitioner did not contain stipulation calling upon the petitioner to explain as to why his license should not be cancelled, the subsequent order of cancellation of license cannot be withstand the test of law.

In this case, learned counsel for the petitioner has shown from Annexure '1' to the writ application that there was



no proposal in the show cause to cancel the license. Learned counsel submits that in terms of sub-rule (ii) of Rule 27 of the Bihar Targeted PDS (Control) Order, 2016, this Court has held that unless there is a proposal to cancel the license, the subsequent cancellation would be bad in law. This position has not been contested by the learned counsel for the State.

In the aforesaid circumstance, on this ground alone, the impugned order as contained in Memo No. 23 dated 10.01.2019 Annexure '2' to the writ application is hereby set aside. The matter is remitted to the Sub-Divisional Officer, Jahanabad (Supply Section) who will be at liberty to proceed afresh by issuing a proper show cause notice and by giving an opportunity to the petitioner in accordance with law. If so advised a fresh action in this regard may be initiated and decision be taken in this regard within a period of four months from the date of receipt/production of a copy of this order.

The writ application stands disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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