

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7853 of 2019

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Krishna Kumar Son of Gupteshwr Sah Resident of kusiar, P.S.- Chori
District- Bhojpur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar Bihar.
2. The District Magistrate Bhojpur, Ara.
3. The Sub Divisional Officer Sadar Bhojpur, Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Mishra, Advocate
For the Respondent/s : Mr. AC to SC4

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 15-07-2019 The petitioner in the present case is aggrieved by the order contained in Memo No. 150 dated 8.03.2019 passed by the Sub-Divisional Officer, Sadar, Ara as contained in Annexure '4' to the writ application by which the Public Distribution System Shop license of the petitioner has been cancelled with immediate effect.

Learned counsel for the petitioner has raised a short point for purpose of setting aside the impugned order. Referring to the order, learned counsel submits that a bare perusal of the same would show that in fact the same has been passed without giving any appropriate opportunity to the petitioner to show cause and further it has been passed on the recommendation of the Block Supply Officer without application of independent



mind by the Sub-Divisional Officer, Sadar, Ara.

Learned counsel submits that on 16.03.2019 by Annexure '2' to the writ application the petitioner was served with a show cause notice stating that he was indulged in black marketing of rice and for the said charge he was arrested and was sent behind the bar, therefore, his action is contrary to the terms and conditions of the license under the Bihar Targeted P.D.S. (Control) Order, 2016. The petitioner was given only 3 days time to show cause and even before expiry of 3 days time, the impugned order has been passed.

Learned counsel submits that on perusal of the impugned order it would appear that the license was cancelled on the same day on which the show cause notice was issued and it was communicated two days thereafter.

In view of the materials available on the record, learned counsel for the State submits that the order impugned may be set aside and matter be remitted to the Sub-Divisional officer, Sadar, Ara for fresh consideration.

In the given facts and circumstances of the case, the impugned order as contained in Annexure '4' is hereby set aside. The matter is remitted to the Sub-Divisional Officer, Sadar, Ara who will be at liberty to issue a fresh show cause notice to the



petitioner giving him appropriate opportunity to submit his explanations and thereafter shall consider the same and will pass reasoned order thereon.

Let the whole exercise be completed within a period of 90 days from the date of receipt/production of a copy of this order.

In the meantime, the license of the petitioner stands restored.

This writ application stands disposed of with the aforesaid direction.

(Rajeev Ranjan Prasad, J)

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