

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10728 of 2019

Harikirtan Chaudhary, Male, aged 45 years, Son of Late Gyan Chandra Choudhary R/o Village-Deo Chanda, P.O.-Deo, P.S.-Sikrahatta, District-Bhojpur.

... .. Petitioner

Versus

1. The State of Bihar through the Divisional Commissioner, Bhojpur, Ara
2. The Divisional Commissioner Bhojpur, Ara
3. The District Magistrate Bhojpur, Ara
4. The Sub Divisional Officer, Piro Bhojpur, Ara
5. The District Supply Officer Bhojpur, Ara
6. The Assistant District Supply Officer, Piro Bhojpur
7. The Block Development Officer, Trari Bhojpur

... .. Respondents

Appearance :

For the Petitioner/s : Ms.Neha Gupta, Advocate

For the Respondent/s : Md. Anisul Haque, A.C. to A.A.G.5

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. 461 dated 25.09.2018 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. 25.09.2018, as contained in Annexure '2' 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 '2' 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 '2' 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, Piro, Bhojpur, Ara 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 '2' to the writ application is hereby set aside. The matter is remitted to the Sub-Divisional Officer, Piro, Bhojpur, Ara 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.

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

The Writ Application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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