

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12408 of 2019

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Kamlesh Kumar Gupta, Son of Laxmi Prasad Gupta, resident of Village-
Raghunathpur, Panchayat Wajirpur, Block- Vikram, P.S.- Ranitalab, District-
Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Bihar at Patna.
2. The Collector-cum-District Magistrate, Patna, District- Patna.
3. The Sub-Divisional Officer-cum-Licensing Authority, Paliganj, District- Patna.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr.Sumeet Kumar Singh, Advocate
For the Respondent/s : Mr. AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 02-07-2019 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. 01 मू० dated 08.02.2019 passed in
Supply Case No. 24 of 2018 by which the Public Distribution
Shop license of the petitioner has been cancelled with
immediate effect.

Learned counsel for the petitioner submits that earlier
the license of the petitioner was placed under suspension vide
order contained in Memo No. 337 dated 21.08.2018. The said
order was challenged in C.W.J.C. No. 22936 of 2018 which was
disposed off vide order dated 21.12.2018 setting aside the order



of suspension of the license. Thereafter, vide Memo No. 575 dated 21.12.2018 the petitioner was served with a show cause notice stating therein that he should submit his response against the allegations within a period of one week, failing which the action in accordance with the Civil Procedure Code shall be taken against him.

It is submitted that apparently the show cause notice is not proposing any cancellation action, still the licensing authority has cancelled the license.

Submission is that if the show cause notice has not proposed the cancellation in terms of Rule 27 of the Bihar Targeted Public Distribution System (Control) Order, 2016 following the judgment of the Hon'ble Division Bench in the case of **Ram Bachan Ram Vs. The State of Bihar and others** reported in **2018 (4) PLJR 516**, the impugned order is liable to be set aside.

Learned counsel for the State is present and from what is appearing in the show cause notice contained in Annexure 'P-2' he is unable to show that the same is in accordance with law.

Having heard learned counsel for the petitioner and the State and following the judgment of the Hon'ble Division



Bench in the case of **Ram Bachan Ram** (supra), this Court hereby sets aside the order as contained in Memo No. 01 of 2019 dated 08.02.2019. The license of the petitioner is restored.

The setting aside of the impugned order shall, however, not come in the way of the Sub-Divisional Officer, Paliganj in proceeding afresh and pass order after proper service of show cause notice and in accordance with law.

The writ application is allowed to the extent indicated above.

(Rajeev Ranjan Prasad, J)

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