

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24452 of 2018

Prabhunath Ram, S/o Late Ram Sharan Ram, Resident of Village Nawalpur,
P.S. Durandha, District Siwan

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna
2. The Collector, Siwan
3. The Sub Divisional Officer, Maharajganj, Siwan
4. The Block Supply Officer, Durandha, Siwan

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Ashok Kumar, Advocate Mr. Kaushal Singh, Advocate
For the Respondent/s	:	Mr. U.P. Singh, AC to SC -4

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 27-07-2019 Heard learned Senior Counsel for the petitioner and
the learned counsel for the State.

Petitioner in the present case is seeking to challenge the order of cancellation of the PDS Shop license. The sole ground on which the impugned order as contained in Annexure '4' to the writ application has been sought to be challenged is that before passing the said order, the licensing authority had never proposed cancellation of license and if there was no proposal to cancel the license in terms of Clause '27' (ii) of the Bihar Target P.D.S. (Control) Order, 2016, the cancellation order is liable to be set aside.



Learned counsel for the State submits that where it is apparent from Annexures '1' and '2' that while issuing show cause notice no proposal of cancellation of license was given and the petitioner had no opportunity to show cause against such proposed cancellation, the Sub Divisional Authority may be allowed to pass afresh order.

In the given facts and circumstances of the case, finding that no proposal for cancellation of license was given to 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, Maharajganj, Siwan for a fresh consideration within a period of 90 days from today.

The licensing authority shall pass a reasoned order after consideration of the entire materials and after giving an opportunity to the petitioner to show cause.

In the meantime, the license and supply of the petitioner shall stand restored.

(Rajeev Ranjan Prasad, J)

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