

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25002 of 2018

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Motilal Paswan S/o Saryu Paswan Resident of Viilage - Ward No. 11,
Kushharkhas, Sherpur, Chhatwara, P.S. - Mahua, Distt. - Vaishali.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Department of Food & Consumer Protect, Government of Bihar, Patna
2. The Collector, Vaishali at Hajipur.
3. The Sub Divisional Officer, Mahua, Vaishali.
4. The Additional District Supply Officer, Mahua, vaishali.
5. The Block supply officer, Mahuam, Vaiushali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate Mr. Dhananjaya Nath Tiwari, Advocate
For the Respondent/s	:	Mr. U. P. Singh, AC to SC 4

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 18-07-2019 Heard learned Senior Counsel for the petitioner and
learned counsel representing the State.

In this case the petitioner is aggrieved by and dissatisfied with the order as contained in Memo No. 728 dated 24.11.2018 by which the Fair Price Shop license of the petitioner has been cancelled by the Sub-Divisional Officer, Mahua, Vaishali (respondent no. 3).

Learned Senior Counsel for the petitioner submits that on perusal of Annexure '1' which is the show cause notice issued to the petitioner it will appear that the same did not contain any recital proposing cancellation of license. According to learned Senior Counsel, if the said recital is not there in the show cause



notice and subsequently the license has been cancelled by the respondent no. 3, it is in violation of Clause 27 (ii) of the Bihar Targeted P.D.S. (Control) Order, 2016 (hereinafter referred to as the 'Control Order, 2016'). It is submitted that this is no longer *res-integra* inasmuch as a Division Bench of this Court in the case of **Ram Bachan Ram Vs. The State of Bihar & Ors.** reported in **2018 (4) PLJR 516** has enunciated the legal proposition saying that for non-compliance with the provisions of the aforesaid Clause 27 (ii) of the Control Order, 2016, the impugned order shall be liable to be quashed and cancelled.

Learned counsel for the State accepts the legal position.

In the given facts and circumstances of the case, the impugned order is hereby set aside. The matter is remitted to the respondent no. 3 for a fresh consideration in case so advised to proceed with the matter and conclude the same within a period of 3 months from the date of receipt/production of a copy of this order.

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

The writ application stands disposed of.

(Rajeev Ranjan Prasad, J)

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