

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.353 of 2019

=====

Jagnarayan Singh, Son of Buddhan Singh, Resident of Village- Amorja Gram
Panchayat Pasaur, P.S.- Charpokhari, District- Bhojpur Bihar.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary Food and Civil Supply Department, Govt. of Bihar, Patna.
2. The District Magistrate, Bhojpur at Ara.
3. The Sub-Divisional Officer, Piro, Bhojpur.
4. The Block Supply Officer, Charpokhari.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr.Rajendra Singh
For the Respondent/s	:	Mr.Arvind Ujjwal -SC-4
		Mr. U.P.Singh, AC to SC-4

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 10-04-2019 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.574 dated 29.10.2018 (Annexure-1 to the writ application) by which the Public Distribution Shop licence of the petitioner has been cancelled allegedly by citing an inspection report said to have been submitted in respect of the inspection conducted on 13.10.2018.

Learned counsel for the petitioner has raised a short point for consideration at this stage to submit that on a bare perusal of Annexure-5 which is the show cause notice issued to the petitioner by the Sub-Divisional Officer, Piro (Bhojpur) it



would appear that there was no proposal to cancel the licence of the petitioner. In this connection, learned counsel has relied upon a judgment of the Hon'ble Division of this Court in the case of **Ram Bachan Ram Vs. The State of Bihar and others** reported in **2018(4) PLJR 516** in which the Hon'ble Division Bench of this Court has on interpretation of Clause 27 of the Bihar Targeted PDS (Control) Order, 2016 held that no order of cancellation of a licence shall be made until the licensee has been given sufficient opportunity to state his case against the proposal of cancellation. The Hon'ble Division Bench noticed that word "proposal for cancellation" appearing in the statutory provision contemplates that when the show cause notice is issued, licensee should be categorically informed that there is "proposal of cancellation of licence". It is further submitted that apart from the fact that there was no proposal to cancel the licence, the petitioner was provided only three days time to submit his reply which is again not in conformity with the principles of natural justice.

Learned counsel for the State is present. However, in the given facts and circumstances of the case and on the face of the judicial pronouncement on the subject, learned counsel for the State submits that the matter may be disposed off without



waiting for counter affidavit.

In the given facts and circumstances of the case, taking note of the submissions of the parties and on perusal of Annexure-5 to the writ application which is the show cause notice, this Court comes to a conclusion that the case is covered by the judgment of the Hon'ble Division Bench in the case of **Ram Bachan Ram** (supra). Since the show cause notice did not contain any proposal for cancellation of licence and only three days time was granted to submit reply, this Court is of the opinion that the Sub-Divisional Officer has not acted in terms of the statutory provision as contained in Clause 27 of the Bihar Targeted PDS (Control) Order, 2016. The impugned order dated 29.10.2018 (Annexure-1 to the writ application) is, thus, set aside. The matter is remanded to the Sub-Divisional Officer, Piro (Bhojpur) to take appropriate steps, if so desired, afresh and in accordance with law.

The writ application is disposed off accordingly.

(Rajeev Ranjan Prasad, J)

arvind/-

U			
---	--	--	--

