

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2705 of 2020

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Vedanand Jha Son of Kritynand Jha, Resident of Village- Bhulni, Police Station- Shahkund, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Portection Department, Govt. of Bihar, Patna.
2. The Secretary, Food and Consumer Portection Department, Govt. of Bihar, Patna.
3. The District Magistrate, Bhagalpur.
4. The Sub- Divisional Officer, Sadar, Bhagalpur.
5. The District Supply Officer, Bhagalpur.
6. The Block Supply Officer, Shahkund, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ranjan Jha, Adv. Mr. Satya Prakash, Adv.
For the Respondent/s	:	Mr. Md. Anisul Haque, AC to AAG-5 Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-02-2020 The present writ petition has been filed for quashing the order dated 09.12.2019 passed by the Sub-Divisional Officer, Sadar Bhagalpur, whereby and whereunder the PDS license of the petitioner bearing license No. 06 of 2016 has been cancelled.

The short issue raised by the petitioner in the present case is that the show cause notice issued to the petitioner dated 08.11.2019 is not in accordance with Rule 27 of the Bihar Targeted PDS (Control) Order, 2016, which reads as follows:-

"27. Cancellation of License



(i) If a licensee violates any provision of this Order or fails to comply duties and responsibilities assigned to the license, his license shall be cancelled by the licensing authority by a written order, and such a cancellation of license shall not affect other actions initiated/initiable under the Essential Commodity Act, 1955 (Central Act 10 of 1955).

(ii) No order of cancellation of a license shall be made until the licensee has been given sufficient opportunity to state his case against the proposal of cancellation of his license.

(iii) The cases of violation of the provisions of this Order shall be disposed of within two months, as far as possible, after coming in cognizance as for.”

It is submitted by the learned counsel for the petitioner that the proposed punishment of cancellation of license has not been mentioned in the show cause notice dated 8.11.2019, hence, the petitioner has not been given sufficient opportunity to put forth his defence against the punishment of cancellation of his license, which has been inflicted upon him by the impugned order dated 09.12.2019.

The learned counsel appearing for the State has got no quarrel in law.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties as also taking into account Rule 27 of the Bihar Targeted P.D.S. (Control) Order, 2016, this Court feels that the show cause notice dated 8.11.2019 is not in accordance with Rule 27 of 2016 Order, as aforesaid, hence, is fit to be set aside



being contrary to law.

Accordingly, the present writ petition stands allowed and the order dated 09.12.2019 passed by the Sub-Divisional Officer, Sadar Bhagalpur is set aside, however, with liberty to the Sub-Divisional Officer, Sadar Bhagalpur to proceed afresh in accordance with law.

(Mohit Kumar Shah, J)

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