

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4783 of 2020

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Dhaneshwar Thakur Son of Sunder Thakur, resident of village- Fatehpur, P.O.-
Gangania, P.s.- Sultanganj, District- Bhagalpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Old Secretariat, Patna
2. The District Magistrate cum Collector, Bhagalpur
3. The District Supply Officer, Bhagalpur
4. The Sub-Divisional Officer (Sadar)-cum-Licensing Authority, Bhagalpur
5. The Block Supply Officer, Sultanganj, Bhagalpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Diwakar Upadhyaya
For the Respondent/s : Mr.S. Raza Ahmad (AAG-5)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-03-2020 The present writ petition has been filed for quashing the order dated 22.01.2020, passed by the Sub-Divisional Officer(Sadar)-cum-Licensing Authority, Bhagalpur in Case No. 5 of 2019-20, whereby and whereunder the P.D.S. license of the petitioner bearing License No. 16 of 2016 has been cancelled.

The short point raised by the petitioner in the present case is that the show cause notice issued by the Sub-Divisional Officer(Sadar)-cum-Licensing Authority, Bhagalpur dated 23.10.2019, does not contain the proposed punishment of cancellation of license, hence the petitioner has been precluded from being granted sufficient opportunity to state his case



against the punishment of cancellation of license resulting in non-compliance of the principles of natural justice.

In this regard, the learned counsel for the petitioner has referred to Rule 27 sub-clause (ii) of the Bihar Targeted P.D.S. (Control) Order, 2016, to canvass that no order of cancellation of a license can be made until the licensee has been given sufficient opportunity to state his case against the proposal of cancellation of such license. The petitioner has further relied upon a judgment rendered by a coordinate Bench of this Court, reported in **2018(4) PLJR 516 (Ram Bechan Ram vs. The State of Bihar & Ors.)**.

The learned counsel for the respondents has no quarrel as far as the legal aspect is concerned, as aforesaid.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the fact that the impugned order dated 22.01.2020 is in teeth of Rule 27 sub-clause (ii) of the Bihar Targeted P.D.S. (Control) Order, 2016, I deem it fit and proper to quash the order dated 22.01.2020 passed by the Sub-Divisional Officer(Sadar)-cum-Licensing Authority, Bhagalpur, however, with liberty to the said Officer to initiate fresh proceedings, in accordance with law and take it to its



logical conclusion.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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