

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5643 of 2020

=====

Hiralal Singh, son of Jagu Singh, resident of Kheri Kon, P.S. District Bhojpur,
Bihar 802155.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection, Government of Bihar, Patna.
2. The District Magistrate Bhojpur.
3. Sub Divisional Officer Piro Bhojpur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Mishra
For the Respondent/s : Mr.Arvind Ujjwal

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 24-06-2020 The present writ petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

The present writ petition has been filed for quashing the order dated 31.3.2020 passed by the Sub-Divisional Officer, Piro, Bhojpur by which the Public Distribution System Licence bearing Licence No. 95/2016 of the petitioner herein has been cancelled.

The short point raised by the learned counsel for the petitioner is that neither the inspection report dated 31.3.2020 nor any show cause notice has been issued to the petitioner herein before passing the impugned order of cancellation dated



31.3.2020, which is not only contrary to the principles of natural justice, but also contrary to Sub-Clause (ii) of Clause 27 of the Bihar Targeted Public Distribution System (Control) Order, 2016.

Per contra, the learned counsel appearing for the respondents-State, Sri Arvind Ujjwal, referring to the counter affidavit filed in the present case, has submitted that the licence of the petitioner has been cancelled inasmuch as on inquiry, it has been found that the petitioner has violated the terms and conditions of the licence as also the PDS dealer in question and has not been distributing food-grains and kerosene to the beneficiaries since past several months. However, the learned counsel for the respondents-State has not been able to refute the allegation of the petitioner that no show cause notice has been served upon the petitioner before cancellation of his licence.

Having regard to the facts and circumstances of the case and considering the fact that the impugned order dated 31.3.2020 has been passed in violation of Sub-Clause (ii) of Clause 27 of the Bihar Targeted Public Distribution System (Control) Order, 2016, I deem it fit and proper to quash the impugned order dated 31.3.2020 passed by the Respondent No. 3, however, liberty is granted to the Respondent No. 3 to proceed



afresh in the matter in accordance with law, after serving a copy of the inquiry report as also giving due show cause notice to the petitioner herein.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

Ajay/-

U			
---	--	--	--

