

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5644 of 2020

1. Bharat Singh, son of Mundraka Singh, resident of Barni, P.S. District Bhojpur, Bihar 802223.
2. Kamla Kant Prasad, son of Indeadev Singh, resident of Barni, P.S. District Bhojpur, Bihar 802223.
3. Sonmato Devi, daughter of Dev Muni Ram, resident of Kathrai, Siya, P.S. District Bhojpur, Bihar 802223.

... .. 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 orders dated 12.4.2020 passed by the Sub-Divisional Officer, Piro, Bhojpur whereby and whereunder the Public Distribution System Licences of the petitioners no. 1 to 3 bearing Licences No. 14/2016, 42/2016 and 62/2017 have been cancelled.

The short point raised by the learned counsel for the



petitioners is that neither the inspection report dated 4.4.2020 nor any show cause notice has been issued to the petitioners herein before passing the impugned orders of cancellation dated 12.4.2020, 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 licences of the petitioners have been cancelled inasmuch as on inquiry, it has been found that the petitioners have violated the terms and conditions of the licences as also the PDS dealers in question and have 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 petitioners that no show cause notice has been served upon the petitioners before cancellation of their licence.

Having regard to the facts and circumstances of the case and considering the fact that the impugned orders dated 12.4.2020 have 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 orders dated 12.4.2020 passed in the case of the petitioners no. 1 to 3 by the Respondent No. 3, however, I grant liberty 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 petitioners herein.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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