

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7618 of 2020

Arun Kumar Mahto @ Arun Mahto S/o Ram Chandra Mahto R/o- Village-
Ambedkar Nagar- Nurjamapur, P.S.- Ballia, District- Begusarai.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supplies Department, Govt. of Bihar, Patna.
2. The District Magistrate, Begusarai.
3. The Sub Divisional Officer, Ballia, Begusarai.
4. The Circle Officer Cum Block Supply Officer, Ballia, Begusarai.

... .. Respondents

Appearance :

For the Petitioner : Mr. Shubhesh Pandey, Advocate.

For the Respondents : Mr. Arjun Prasad, AC to SC-3

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 14-09-2020

Heard learned counsel for the petitioner and learned counsel for the respondents through video conference. Learned counsel for the petitioner undertakes that all defects pointed out by the stamp reporter shall be removed, and compliance with the conditions of the notices of this Court with regard to acceptance of e-filing shall be made, without delay immediately upon resumption of physical functioning of the Court, and in any event within one month thereof. Learned counsel for the respondents states that he has no objection in this regard and the matter be taken up on merits in view of the stated urgency.

2. The following reliefs as formulated by the petitioner have been claimed in the writ petition -

“(a) For issuance of appropriate writ for restoration of the PDS Licence of the petitioner by quashing the memo no. 579 dated 05.05.2020 whereby and whereunder the respondent no. 3



has cancelled the PDS license of the petitioner bearing License No. BAL-R-32/16 EPDS CODE 122200200026 without following the norms of the natural justice and also without providing any opportunity to the petitioner to produce his case and the act of the respondent authority is against the mandate of the Clause 27(ii) of the Bihar Targeted PDS Control Order, 2016 in which it has clearly mentioned that “ 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.

(b) For a direction to the concerned respondent-authority to take administrative action against the respondents concerned for acting malafidely and without any valid reason and only on the sweet will or for some undue advantages.

(c) For the issuance of any other relief/reliefs to which the petitioner may found entitled to in the facts and circumstances of the present case”.

3. Learned counsel for the petitioner makes a short submission to assail the impugned order on the ground that show cause notice was not served upon the petitioner and he was not given any opportunity of being heard or adducing evidence in that regard. A specific stand has been taken in para-8 of the writ petition that the impugned order of cancellation of license has been passed without serving show cause notice to the petitioner.

4. Learned counsel for the respondents appears and has been heard.

5. In the above view of the matter, this Court is satisfied that non-service of the show cause notice to the petitioner has resulted in violation of natural justice and thus the decision making process stands vitiated. The impugned order dated 05.05.2020 (Annexure-1) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Ballia, Begusarai for taking decision afresh in



the matter after serving show cause notice upon the petitioner and granting an opportunity of hearing in accordance with law. Supplies to the petitioner shall be restored without delay until fresh orders are passed by the respondent no. 3.

6. It is made clear that in case the stand of the petitioner denying non-service of show cause notice prior to order of cancellation being passed is found to be incorrect, the respondents shall be at liberty to approach this Court for recall of this judgment.

7. It is also made clear that in view of the ongoing Covid-19 pandemic, any correspondence between the parties may be made through e-mail and that the petitioner shall be at liberty to request the concerned authority for hearing through video conference. To enable the same, the petitioner shall furnish his mobile number and e-mail ID on the e-mail address of learned Advocate General not later than by 18.09.2020 for onward transmission to the concerned authority.

8. The writ petition stands allowed as above.

9. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

lbrar/HR

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	16.09.2020
Transmission Date	N.A.

