

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20321 of 2019

=====

Dharmendra Poddar, son of Late Dev Narayan Poddar, resident of village Baruara, P.S. Bahadurpur, District Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supply, Government of Bihar, Patna.
2. The District Magistrate, Darbhanga.
3. The Subdivisional Officer, Sadar, Darbhanga.
4. Block Supply Officer, Bahadurpur, District Darbhanga.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
		Mr.Md.Imteyaz Ahmad, Advocate
For the Respondent/s	:	Mr.Upendra Pratap Singh, A.C. to S.C.4

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 13-11-2020 Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioner and Mr. Upendra Pratap Singh, learned A.C. to S.C.4 through video conferencing.

The petitioner in this writ petition seeks quashing of the order dated 22.08.2019 passed by the Sub-Divisional Officer, Sadar, Darbhanga-the Licensing Authority by which the Licensing Authority cancelled the P.D.S. license of the petitioner being License No.29 of 2016.

The contention of the learned counsel for the petitioner is that the petitioner was asked to give show cause after inspection of the shop. The petitioner filed his show cause but without considering the show cause of the petitioner, the



license of the petitioner has been cancelled. It is submitted that this Court has held that if the Licensing Authority, without considering the show cause of the licensee, cancelled the license, it amounts to violation of principles of natural justice and such order suffers from illegality.

Having heard the submission and on perusal of the order impugned, it appears that although the petitioner filed show cause but the same has not been considered by the Sub-Divisional Officer while cancelling the license of the petitioner. In this view of the fact, I find that the order is not sustainable. Accordingly, I quash the order dated 22.08.2019 as contained in Annexure-1 and remitted the case to the Sub-Divisional Officer, Sadar, Darbhanga to pass order afresh after hearing the petitioner in accordance with law.

Accordingly, this writ petition is allowed as aforesaid.

(Prabhat Kumar Jha, J)

Saurabh/-

U			
---	--	--	--

