

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1 of 2020

Radhey Shyam Prasad S/o Late Yamuna Sah Resident of Village- Harpur,
Panchayat- Harpur, P.s.- Buxar (M), District- Buxar

... .. Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Food and Consumer Protection, Govt. of Bihar, Patna
2. The Collector Buxar
3. The Sub Divisional Officer Buxar
4. The Block Supply Officer Itadhi, Buxar

... .. Respondents

Appearance :

For the Petitioner	:	Mr. N.K. Agarwal
	:	Mr. Dhananjaya Nath Tiwari, Adv.
	:	Mr. N.K. Agarwal, Adv.
For the Respondents	:	Mr. Alok Ranjan, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 13-02-2020 The present writ petition has been filed for quashing the order contained in memo No. 176 dated 26.03.2016 passed by the learned Sub Divisional Officer, Buxar, by which the PDS licence of the petitioner being licence no. 95/2007 has been cancelled and further for quashing the order dated 26.05.2017 passed by the learned Collector, Buxar by which statutory appeal filed on behalf of the petitioner has been dismissed as also for directing the respondents to restore the license and supply of the petitioner.

The learned Senior counsel appearing for the petitioner has submitted that the show cause notice dated



11.02.2016 issued by the Sub Divisional Officer, Buxar would bear it out that the petitioner has been granted only two days' time to file his show cause reply, hence, on this ground alone, the impugned orders dated 26.03.2016 and 26.05.2017 are fit to be set aside. In this connection, the learned Senior counsel has relied on a judgment reported in **2013 (1) PLJR 718 (Smt. Fulpati Devi Vs. The State of Bihar and others)**.

Per contra, the learned counsel for the respondent-State has submitted that ample opportunity would be granted to the petitioner by the Sub Divisional Officer, Buxar before passing any order with regard to the suspension/cancellation of licence of the petitioner bearing licence No. 95 of 2007.

Having regard to the facts and circumstances of the case and considering the law laid down by this court in the case of **Smt. Fulpati Devi Vs. The State of Bihar and others (supra)**, I deem it fit and proper to allow the present writ petition and quash the order dated 26.05.2017 passed by the learned Collector, Buxar as also the order dated 26.03.2016 passed by the learned Sub Divisional Officer, Buxar, however with liberty to the S.D.O., Buxar to proceed afresh in accordance with law after giving ample opportunity to the



petitioner to file his show cause reply.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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