

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5904 of 2021

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Bisheshwar Rajak Son of Badhu Rajak Resident of village- Mohammadpur,
Panchayat- Mainpur Anda, P.s.- Phulwarisharif, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department Old Secretariat, Patna
2. The District Magistrate, Patna, District- Patna
3. The Sub Divisional Officer, Patna Sadar, District- Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Labh, Advocate
For the Respondent/s : Mr. Upendra Pratap Singh (AC to SC 4)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-09-2021 Heard the learned counsel for the petitioner and Sri
Upendra Pratap Singh, learned AC to SC 4.

The present writ petition has been filed seeking quashing of the order dated 08.06.2020, passed by the Sub Divisional Officer, Patna, Sadar, whereby and whereunder the licence of the petitioner bearing License no. 03 of 2016 has been cancelled on the ground that an F.I.R. has been lodged against the petitioner.

The learned counsel for the petitioner has raised a short point for consideration to the effect that neither any show cause notice was issued prior to passing of the impugned order dated 08.06.2020 nor the petitioner is a fugitive nor has been sent to jail, inasmuch he has been granted bail by a co-ordinate



Bench of this Court vide order dated 27.01.2021, passed in Cr. Misc. no. 30003 of 2020, hence the impugned order dated 08.06.2020 is contrary to ***Rule 28 of the Bihar Targeted Public Distribution System (Control) Order, 2016.***

Per contra, the learned counsel for the State has not disputed the fact that no show cause notice was issued prior to cancellation of license of the petitioner which is also apparent from a bare reading of the order dated 08.06.2020.

I have heard the learned counsel for the parties and gone through the materials on record, from which it is apparent that the P.D.S. license of the shop of the petitioner has been cancelled without issuing any show cause notice, resulting in violation of Principles of Natural Justice and moreover, the impugned order has been passed contrary to ***Rule 28 of the Order, 2016***, as aforesaid, hence the impugned order dated 08.06.2020, passed by the Sub Divisional Officer, Patna, Sadar stands vitiated in the eyes of law, thus is quashed.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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