

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5800 of 2021

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Kishori Saw son of late Prasadi Sao, resident of Village/ P.O.- Bhatta,
Anchal/P.S.- Kashichak, District- Nawada

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Dept., Govt. of Bihar, Old Secretariat, Patna-800015
2. The District Magistrate, Nawada
3. The Sub Divisional Officer, Nawada Sadar, District- Nawada
4. The Block Supply Officer, Kashichak, District- Nawada

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sidhendra Narayan Singh, Advocate
For the Respondent/s : Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-10-2021 The present writ petition has been filed for quashing the order dated 17.04.2020 passed by the Sub-Divisional Officer, Nawada Sadar, whereby and whereunder the license of the PDS shop of the petitioner bearing license no. 06 of 2007 has been cancelled.

The learned counsel for the petitioner has raised a short issue for consideration, to the effect that while issuing the show cause notice dated 30.03.2020, the Sub-Divisional Officer, Nawada Sadar did not indicate about any proposal for cancellation of the license. Thus, no show cause notice was issued to the petitioner, proposing cancellation of the license, as is contemplated under Rule 27(ii) of the Bihar Targeted PDS



(Control) Order, 2016. The learned counsel for the petitioner has further submitted that the present case is squarely covered by a judgment rendered by the learned Division Bench of this Court dated 10.7.2018 passed in L.P.A. No. 499 of 2018 (Ram Bachan Ram vs. The State of Bihar & Ors.).

The learned counsel for the Respondent-State, Sri Alok Ranjan, AC to AAG-5 has not disputed the position, as is existing in law.

Having regard to the facts and circumstances of the case and having considered the materials available on record, this Court finds that the show cause notice dated 30.03.2020, issued by the Sub-Divisional Officer, Nawada Sadar, does not mention about any proposal for cancellation of the license of the petitioner, hence admittedly, no show cause notice has been issued to the petitioner, proposing cancellation of the license, as is contemplated under Rule 27(ii) of the Bihar Targeted PDS (Control) Order, 2016. Thus the show cause notice dated 30.03.2020, issued by the Sub-Divisional Officer, Nawada Sadar, is not only contrary to the provisions contained in clause-27(ii) of the Bihar Targeted PDS Control Order, 2016 but also contrary to the law laid down by this Court in the case of Ram Bechan Ram (supra), hence, the impugned order dated



17.04.2020 suffers from material legal infirmity on account of the show cause notice dated 30.03.2020 being contrary to law. Consequently, the impugned order dated 17.04.2020, passed by the Sub-Divisional Officer, Nawada Sadar, stands vitiated in the eyes of law, thus, is quashed, however, with liberty to the Sub-Divisional Officer, Nawada Sadar to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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