

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6406 of 2021

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Arvind Kumar S/o Late Awdhesh Prasad Resident of village- Chainpura, P.s.-
Paras Bigha, district- Jehanabad

... .. Petitioner/s

Versus

1. The State of Bihar through the secretary, Department of Food and Consumer Protection, Government of Bihar, Patna
2. The Collector, Jehanabad
3. The Sub Divisional Officer-cum-Licensing Authority, Jehanabad
4. The Block supply Officer, Ratani Faridpur, District- Jehanabad
5. The Block Supply Officer, Kako, District- Jehanabad

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari, 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 26.12.2020, passed by the Sub Divisional officer- cum- Licensing Authority, Jehanabad, whereby and whereunder the P.D.S. license of the petitioner bearing License no. 06 of 2016 has been cancelled.

The short point raised by the learned counsel for the petitioner is that a bare perusal of the show cause notice dated 24.11.2020, issued by the S.D.O. Jehanabad would show that no proposal has been furnished regarding cancellation of the



license of the petitioner, hence the petitioner has been precluded from submitting his defense to the proposal of cancellation of license, which is contrary to ***Rule 27(ii) of the Bihar Targeted Public Distribution (Control) Order, 2016***. It is also submitted that the impugned order dated 26.12.2020 would show that though the petitioner has submitted a detailed reply to the show cause notice dated 24.11.2020 but the same has not been considered by the S.D.O. Jehanabad while passing the impugned order dated 26.12.2020. The learned counsel for the petitioner has also relied upon a judgment rendered by the learned Division Bench of this Court in the case of ***Ram Bachan Ram vs. The State of Bihar and others 2018 (4) PLJR 516***.

Per contra, the learned counsel for the State has not disputed the position, as is existing in law.

I have heard the learned counsel for the parties and gone through the materials on record, from which it is apparent that the show cause notice dated 24.11.2020 suffers from material illegality, inasmuch as, as per the mandate of ***Rule 27(ii) of the Order, 2016***, no proposal for cancellation of license has been mentioned, thus the petitioner has been precluded from submitting his wholesome/ proper defense to the said proposal



of cancellation of license and moreover, the present case is squarely covered by the judgment rendered by a learned Division Bench of this Court in the case of ***Ram Bachan Ram (supra)***. This Court further finds that though a detailed show cause reply has been filed by the petitioner but the same has not been considered while passing the impugned order dated 26.12.2020 and no cogent, clear and succinct reasons have been furnished by the S.D.O. Jehanabad to arrive at a decision regarding cancellation of the license of the petitioner, thus the impugned order dated 26.12.2020 stands vitiated in the eyes of law, hence is quashed, however the matter is remanded back to the Sub Divisional Officer, Jehanabad to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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