

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6243 of 2021

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Rajesh Kumar Son of Vishwanath Prasad Resident of Ward no. 30,
Karimchak, Sarkari Bazar, P.s.- Chapra Town, District- Saran (Chapra)

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal secretary, Food and Consumer Protection Department, Old secretariat, Patna
2. The Collector, Saran, District- saran
3. The Sub Divisional Officer, Sadar Chapra, District- saran

... .. 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 01-10-2021 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

The present writ petition has been filed for quashing the order dated 02.03.2020 passed by the Sub-Divisional Officer, Sadar, Chapra whereby and whereunder the PDS license of the petitioner bearing license no. 30/2016 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 29.01.2020, the Sub-Divisional Officer, Sadar, Chapra 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 Upendra Pratap Singh (AC to SC-4), 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 29.01.2020, issued by the Sub-Divisional Officer, Sadar, Chapra, 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 29.01.2020, issued by the Sub-Divisional Officer, Sadar, Chapra, 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 Bachan Ram (supra)***, hence, the impugned order dated 02.03.2020 suffers from material legal infirmity on account of the show cause notice dated 29.01.2020 being contrary to law. Consequently, the impugned order dated 02.03.2020, passed by the Sub-Divisional Officer, Sadar, Chapra, stands vitiated in the eyes of law, thus, is quashed, however, with liberty to the Sub-Divisional Officer, Sadar, Chapra to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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