

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8849 of 2021

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Gulab Devi W/o Anil Kumar Mishra, Resident of Village- Khanpur, P.S.-
Khanpur, District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Old Secretariat, Patna.
2. The District Magistrate, Samastipur.
3. The Sub- Divisional Officer, Samastipur.
4. The Block Supply Officer, Kalyanpur, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. N.K.Agarwal, Sr. Adv.
Mr.Vijay Anand, Adv.

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 27-09-2021 The present writ petition has been filed for quashing the order dated 17.2.2021 passed by the Sub-Divisional Officer, Samastipur whereby and whereunder the PDS license of the petitioner bearing license no. 116/2008 has been cancelled.

The short point raised by the learned Senior Counsel for the petitioner, Sri N.K.Agarwal, is that though two show cause notices dated 15.9.2020



and 18.1.2021 were issued by the Sub-Divisional Officer, Samastipur, however, no proposal regarding cancellation of license was mentioned therein, as is mandated under Rule 27(ii) of the Bihar Targeted PDS (Control) Order, 2016, hence, the impugned order dated 17.2.2021 stands vitiated inasmuch as the petitioner has been precluded from submitting his defence, regarding the proposal of cancellation of license. The learned Sr. counsel for the petitioner has further relied on a judgment rendered by the learned Division Bench of this Court in the case of **Ram Bachan Ram vs. The State of Bihar & Ors.**, reported in 2014 (4) PLJR 516.

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 notices dated 15.9.2020 and 18.1.2021,



issued by the Sub-Divisional Officer, Samastipur, do not mention about any proposal for cancellation of the license of the petitioner, hence admittedly, no show cause notices have 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 notices dated 15.9.2020 and 18.1.2021, issued by the Sub-Divisional Officer, Samastipur, are 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 17.2.2021 stands vitiated in the eyes of law. Consequently, the impugned order dated 17.2.2021, passed by the Sub-Divisional Officer, Samastipur, being unsustainable in the eyes of law, is quashed, however, with liberty to the Sub-Divisional Officer, Samastipur to proceed afresh, in accordance with law.



The writ petition stands allowed.

(Mohit Kumar Shah, J)

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