

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9447 of 2021

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Ram Lal Ram son of late Yogi Ram @ Yogendra Ram, Resident of village
and P.O.- Mohammadpur Kwari, P.S.- Baini, O.P., District- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Collector, Samastipur.
3. The Sub-Divisional Officer, Samastipur.
4. The Block Supply Officer, Pusa, District- Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari, 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 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.

Heard the learned counsel for the petitioner and Sri Alok Ranjan, learned AC to AAG 5 appearing for the State.

The present writ petition has been filed for quashing the order dated 06.08.2020, passed by the Sub-Divisional Officer, Samastipur, whereby and whereunder the PDS license of the petitioner bearing license no. 192/2008 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 15.04.2020, the Sub-Divisional Officer, Samastipur 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 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 15.04.2020, issued by the Sub-Divisional Officer, Samastipur, 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



15.04.2020, issued by the Sub-Divisional Officer, Samastipur, 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 06.08.2020 suffers from material legal infirmity on account of the show cause notice dated 15.04.2020 being contrary to law. Consequently, the impugned order dated 06.08.2020, passed by the Sub-Divisional Officer, Samastipur stands vitiated in the eyes of law, thus 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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