

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9336 of 2020

=====

Krishna Prasad S/o Late Yamuna Prasad, Resident of Village-Nanuari,
Panchayat - Hulaschakbir, P.S.- Dhanarua, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Collector-cum-District Magistrate, Patna.
3. The Sub Divisional Officer, Masaurhi, Patna.
4. The Block Supply Officer, Dhanarua, Patna.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari
For the Respondent/s : Mr.Arvind Ujjawal, SC-4

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-03-2021 The present writ petition has been filed for setting aside the order dated 04.05.2020 passed by the Sub-Divisional Officer, Masaurhi whereby and whereunder the licence of the PDS shop of the petitioner bearing License No. 14/ 2016 has been cancelled.

The short point argued by the learned counsel for the petitioner is that Rule 27(ii) of the Bihar Targeted PDS (Control) Orders, 2016 provides that no order of cancellation of a licence shall be made until the licensee has been given sufficient opportunity to state his case against the proposal



of cancellation of his licence. It is thus submitted that a bare perusal of the show cause notice dated 19.04.2020 would show that the same does not state about the proposal of cancellation of the licence of the petitioner and merely states, in case the show cause reply is not filed within a period of seven days, further proceedings would be resorted to, in accordance with law, hence, it is submitted that the impugned order dated 04.05.2020 is illegal.

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 available on record. It is apparent from the show cause notice dated 19.04.2020 that the petitioner has not been given any opportunity to state his case against the proposal of cancellation of his licence inasmuch as the said show cause notice dated 19.04.2020 only mentions that in case, show cause reply is not filed within a period of seven days,



appropriate proceedings would be resorted to, in accordance with law, but nonetheless the licence of the petitioner has been cancelled by the impugned order dated 04.05.2020, hence, the same stands vitiated in the eyes of law in view of Rule 27(ii) of the Bihar Targeted PDS (Control) Orders, 2016, thus, the impugned order dated 04.05.2020 passed by the Sub-Divisional Officer, Masaurhi is quashed, however, with liberty to him to proceed afresh, in accordance with law.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

Ajay/-

U			
---	--	--	--

