

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL WRIT JURISDICTION CASE NO. 10565 of 2021

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Kamlesh Kumar son of Shri Rajendra Prasad (Presently-
Chairman, Primary Agriculture Credit Society, Panchayat
Bhairopur Nizamat, Block Sadar, District Saran), R/O Village-
Dafdarpur, P.S. Doriganj, District Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Saran at Chapra.
2. The Sub-Divisional Officer, Sadar, Chapra.
3. The Block Supply Officer, Sadar, Chapra.

... .. Respondent/s

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Appearance:

For the Petitioner/s : Mr. Awadhesh Kumar, Advocate

For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 14-09-2021 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 24.02.2021 issued by the Sub-Divisional Officer, Sadar, Chapra whereby al



petitioner bearing license no. 82/2016 has been cancelled.

The learned counsel for the petitioner has raised a short issue for consideration, to the effect that the Sub-Divisional Officer, Sadar, Chapra, while issuing the show cause notice dated 05.02.2021, has not indicated about any proposal for cancellation of the license. Thus, 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. 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



considered the materials

available on record, this Court finds that the show cause notice dated 05.02.2021, issued by the Sub-Divisional Officer, Sadar Chapra has not mentioned 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 required under Rule 27(ii) of the Bihar Targeted PDS (Control) Order, 2016. Thus the show cause notice dated 05.02.2021, 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 24.02.2021 passed by the Sub-Divisional Officer, Sadar Chapra, suffers from material legal infirmity on account of the show cause notice dated 05.02.2021 being contrary to law. Consequently, the impugned order dated 24.02.2021, 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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