

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7560 of 2020

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Bhola Singh, S/o Late Ram Gahan Singh, R/o Village-Hhenegaon,P.S.-Sinha,
Block Barahara, District-Bhojpur at Ara.

... .. Petitioner

Versus

1. The State of Bihar through the Collector-cum-District-Magistrate, Bhojpur at Ara.
2. The Addl. Collector, Bhojpur at Ara.
3. District Supply Officer, Bhojpur at Ara.
4. Assistant District Supply Officer cum Incharge Block Supply Officer, Bhojpur at Ara.
5. Sub-Divisional Officer (Supply), Bhojpur at Ara.
6. Block Supply Officer, Barahara, District-Bhojpur at Ara.
7. Block Supply Inspector, Barahara, District-Bhojpur at Ara.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Tribhuvan Narayan, Advocate
For the Respondents-State: Mr. Arbind Ujjwal, SC-4

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 21-01-2021

Heard learned counsel for the petitioner and
learned counsel for the State.

2. The present writ petition has been filed by the
petitioner for quashing the order passed by the Sub Divisional
Officer (Supply), respondent no.5, vide Memo No.686/Aa,
dated 13.04.2020 whereby and whereunder the PDS license of
the petitioner bearing License No.77/2007 has been cancelled.

3. Learned counsel for the petitioner makes a short
submission to assail the impugned order on the ground that a



show cause notice was not served upon him and he was not given any opportunity of being heard or adducing evidence in that regard.

4. Learned counsel appearing for the respondent has contested the matter but does not dispute the fact that before cancellation of license, opportunity of hearing was not given to the petitioner.

5. In above view of the matter, this Court is satisfied that none service of the show cause notice to the petitioner has resulted in violation of principle of natural justice and the order impugned has been passed completely ignoring Rule 27 of the Bihar Targeted Public Distribution System (Control) Order, 2016, which reads as under:-

“27. Cancellation of License. - (i) If a licensee violates any provision of this Order or fails to comply duties and responsibilities assigned to the license, his license shall be cancelled by the licensing authority by a written order, and such a cancellation of license shall not affect other actions initiated/initiable under the Essential Commodity Act, 1955 (Central Act 10 of 1955).

(ii) No order of cancellation of a license shall be made until the licensee has been given



sufficient opportunity to state his case against the proposal of cancellation of his license.

(iii) The cases of violation of the provisions of this Order shall be disposed of within two months, as far as possible, after coming in cognizance as for.”

6. Since the order impugned has been passed in violation of principle of natural justice and the statutory rule prescribed under the Bihar Targeted Public Distribution System (Control) Order, 2016, the decision made in the proceeding stands vitiated.

7. Accordingly, the impugned order dated 13.04.2020 is hereby quashed and the matter is remanded to Sub Divisional Officer, Sadar Ara, Bhojpur for taking decision afresh in the matter after serving show cause notice annexing the inquiry report, if any inquiry or inspection was conducted upon the petitioner and granting an opportunity of hearing to the petitioner.

8. Respondent No.5 shall be required to pass the order afresh within two months from the date of receipt/production of a copy of the order in compliance of Rule 27 of the aforestated Bihar Targeted Public Distribution System (Control) Order, 2016.

9. With the aforesaid observation and direction, the



application is disposed of.

(Ashwani Kumar Singh, J.)

sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.01.2021
Transmission Date	NA

