

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10694 of 2021

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Raj Nandan Singh Son of Amar Nath Singh, Resident of Village - Ajgara,
P.S.- Bhadour, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The Collector and District Magistrate, Patna, District - Patna.
3. The Sub-Divisional Officer, Barh, District - Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Labh, Adv.
For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC-4

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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 7.1.2020 passed by the Sub-Divisional Officer , Barh, Patna whereby and where under the PDS license of the petitioner bearing license no. 356/2021 has been cancelled as also for quashing the appellate order dated 12.2.2021 passed by the learned Collector- cum- District Magistrate, Patna in E.C. Appeal No. 32 of 2019-20..

The learned counsel for the petitioner has raised a short issue for consideration, to the effect that while issuing the show cause notice dated 30.10.2019, the Sub-Divisional Officer, Barh, Patna 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, 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 and having considered the materials available on record, this Court finds that the show cause notice dated 30.10.2019, issued by the Sub Divisional Officer, Barh, Patna 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 30.10.2019, issued by the Sub-Divisional Officer, Barh, Patna, 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 7.1.2020 suffers from material legal infirmity on account of the show cause notice dated 30.10.2019 being contrary to law. Consequently, the impugned order dated 7.1.2020, passed by the Sub-Divisional Officer, Barh, Patna stands vitiated in the eyes of law, thus, is quashed, however, with liberty to the Sub-Divisional Officer, Barh, Patna to proceed afresh, in accordance with law. Since the original order dated 7.1.2020 has stood quashed, the appellate order dated 12.02.2021 has got no leg to stand, hence it is also quashed.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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