

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10791 of 2021

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Bhogi Mahara Son of Late Sundar Mahara, resident of Village-Navtoli, P.S.
Ladaniya, District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Food and Civil Supplies, Bihar,
Patna.
3. The District Magistrate, Madhubani.
4. The District Supply Officer, Madhubani.
5. The Sub Divisional Officer, Jaynagar, Madhubani.
6. The Block Supply Officer, Ladaniyan, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhinay Raj, 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 29-10-2021 The present writ petition has been filed seeking quashing
of the order dated 11.05.2021 passed by the Sub-Divisional
Officer, Jaynagar, Madhubani, whereby and whereunder the
license of the PDS shop of the petitioner bearing license no. 50
of 2021, 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 12.02.2021, the Sub-Divisional Officer,
Jaynagar, Madhubani 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 Alok Ranjan, AC to AAG-5 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 12.02.2021, issued by the Sub-Divisional Officer, Jaynagar, Madhubani 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 11.05.2021, issued by the Sub-Divisional Officer, Jaynagar, Madhubani 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 Bechan Ram (supra), hence, the impugned order dated 11.05.2021 suffers from material legal infirmity on account of the show cause notice dated 12.02.2021 being contrary to law. Consequently, the impugned order dated 11.05.2021, passed by the Sub-Divisional Officer, Jaynagar, Madhubani stands vitiated in the eyes of law, thus, is quashed, however, with liberty to the Sub-Divisional Officer, Jaynagar, Madhubani to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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