

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8538 of 2020

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Sunil Kumar Son of Rambalak Singh Resident of Village- Raili, P.S.-
N.T.P.C., District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The 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 : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 07-04-2021

Heard learned counsel for the petitioner through video conference.

2. The present writ petition has been filed for quashing the order contained in memo no. 87 dated 05.03.2020 (Annexure-1) passed by the Sub-Divisional Officer, Barh by which the PDS licence of the petitioner has been cancelled; and for a direction to the respondents to restore the PDS licence of the petitioner with immediate effect.

3. Learned counsel for the petitioner makes a short submission to assail the impugned order of cancellation of the petitioner's PDS licence as being wholly illegal for want of show cause notice for proposed cancellation of licence as mandatorily required under Clause 27(ii) of the Bihar Targeted Public Distribution System (Control) Order, 2016, which provision reads as follows -

"27 (i) xxx xxx xxx

(ii) No order of cancellation of a licence shall be



made until the licensee has been granted sufficient opportunity to state his case against the proposal of cancellation of his licence.

(iii) xxx xxx xxx”

4. None appears on behalf of the State, when the matter is called.

5. In the above view of the matter, the writ petition stands allowed and the impugned order of cancellation of PDS licence as contained in memo no. 87 dated 05.03.2020 (Annexure-1) passed by the Sub-Divisional Officer, Barh is hereby quashed. Supplies to the petitioner shall be restored without delay.

6. It is made clear that in case the stand of the petitioner for non-service of notice with regard to proposed cancellation of licence is found to be incorrect, the respondents shall be at liberty to approach this Court for recall of the judgment.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	-
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