

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7729 of 2020

=====

Lagmania Devi @ Lagmaneey Devi Wife of Late Jawahar Lal Ram, Resident
of Village - Kopa, P.S. Kopa Bazar, District- Saran at Chapra.

... .. Petitioner/s

Versus

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

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.N.K. Agarwal
For the Respondent/s : Mr.Lalit Kishore (Ag)

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

3 19-03-2021 Heard Mr. N.K. Agarwal, learned counsel for the
petitioner and the counsel for the State.

Petitioner is aggrieved by the order passed by the
SDO, Saran at Chapra in PDS License No. 18 of 2016.

Mr. Agarwal has invited attention of this Court to the
notice issued by the SDO contained in Annexure-1 and in the
light of Annexure-1, learned counsel for the petitioner submits
that there is no indication in the notice that the SDO proposes to
take any action of cancellation of PDS license and only on the
basis of reply to the show cause notice, the respondent, SDO has
taken decision to cancel the PDS licence.

He submits that the issue is no more *res integra*.
Similar issue was decided by a Division Bench of this Court



reported in **2018 (4) PLJR 516.**

In view of the fact that the Division Bench has accordingly decided the same issue and also the Court finds that the notice contained in Annexure-1 does not indicate the proposed action and without indicating the proposed action, the decision to cancel the PDS licence suffers from vice of non compliance of the principle of natural justice. Accordingly, the Court is of the view that the order of cancellation of PDS license contained in Annexure-3 cannot sustain, it is quashed.

Consequential will follow. However, quashing of Annexure-3 will not disentitle the respondents from taking appropriate action if permissible under the law.

(Anil Kumar Upadhyay, J)

Ravi/-

U			
---	--	--	--

