

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12853 of 2021

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Gulab Chand Thakur, S/o Late Haricharan Thakur, R/o Village - Rustampur,
P.S. - Raghopur, District - Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
2. The District Magistrate, Vaishali.
3. The Sub-Divisional Officer, Hajipur, Vaishali.
4. The Block Supply Officer, Raghopur, Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Akash Chaturvedi, 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 29-10-2021 The present writ petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

The present writ petition has been filed for quashing the order dated 30.7.2014 passed by the Sub-Divisional Officer, Hajipur whereby and whereunder the PDS license of the petitioner bearing license no. 31/2007 has been cancelled. The petitioner has also prayed for quashing the appellate order dated 22.1.2021.



The learned counsel for the petitioner has raised a short issue for consideration to the effect that while issuing the show cause notice dated 28.3.2014, the Sub-Divisional Officer, Hajipur, 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 28.3.2014, issued by the Sub-Divisional Officer, Hajipur, 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 28.3.2014, issued by the Sub-Divisional Officer, Hajipur 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 30.7.2014 suffers from material legal infirmity on account of the show cause notice dated 28.3.2014 being contrary to law. Consequently, the impugned order dated 30.7.2014, passed by the Sub-Divisional Officer, Hajipur stands vitiated in the eyes of law, thus, the same is quashed. Consequently, since the original order dated 30.7.2014 has stood quashed,



the appellate order dated 22.1.2021 has got no legs to stand and is also set aside. However, the matter is remanded back to the Sub-Divisional Officer, Hajipur to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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