

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7970 of 2020

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Amir Lal Son of Hanslal Singh Resident of village- Sakarpura, Barni, P.S.
Dhanarua, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Patna.
2. The Sub- Divisional Officer, Masaurhi, Dist. Patna.
3. The Block Supply Officer cum Assistant District Supply Officer Masaurhi,
District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.N.K.Agrawal, Sr. Advocate Mr.Manoj Kumar Pandey, Advocate Ms. Preety Kunwar, Advocate
For the State	:	Mr.Alok Ranjan, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT
Date : 16-03-2021

Heard learned counsel for the petitioner as well as
learned counsel for the respondents. Learned counsel for the
petitioner has filed an undertaking to remove all the defects
pointed out by the Stamp Reporter as and when required. It is
accordingly directed that all defects pointed out by the Stamp
Reporter be removed within one month hereof.

2. The present writ petition has been filed “for
*quashing the order contained in Memo No. 249 dated
09.05.2020 passed by the learned S.D.O. Masaurhi by which
the P.D.S. Licence No.31/2016 of the petitioner has been
cancelled.*”

3. It is submitted that the impugned order of



cancellation of the petitioner's PDS licence has been passed without a show cause notice in that regard and the only show cause notice issued was for the purpose of suspension of the petitioner's licence. It is therefore submitted that the impugned action has been taken without confronting the petitioner with regard to proposed cancellation of the licence. Reliance is placed on the decisions of this Court rendered in *Bhola Prasad Yadav vs. The State of Bihar & others*, 2010(3) PLJR 825 and also in *Parsauni Khirodhar Primary Agriculture Co-operative Society Ltd. & others vs. The State of Bihar and others*, 2015(3) PLJR 189.

4. Learned counsel for the respondents appears and has been heard. However, he is unable to controvert the stand of the petitioner that no show cause for proposed cancellation of the licence was issued.

5. Having heard the parties and on a consideration of the materials on record, this Court finds merit in the writ petition. It is not in dispute that the show cause was issued only with regard to suspension of the petitioner's licence and no further show cause was issued proposing cancellation of the PDS licence. The impugned order of cancellation cannot therefore be said to be founded upon a show cause for



proposed cancellation which vitiates the decision making process as being violative of the principles of natural justice. Moreover, the show cause notice as issued, in not indicating the proposed cancellation of the licence, failed to fulfill the mandatory requirement in terms of Clause 27(ii) of the Bihar Targeted P.D.S. (Control) Order, 2016 as held in *Parsauni Khirodhar Primary Agriculture Co-operative Society Ltd. & Ors. vs. The State of Bihar and others*, 2015 (3) PLJR 189.

6. The impugned order dated contained in Memo No.249 dated 09.05.2020 (Annexure-1) is accordingly quashed. The writ petition stands allowed.

7. It is made clear however that the respondents shall be at liberty to take fresh steps in the matter after issuance of fresh show cause notice and in accordance with law, if so advised.

8. In the meantime, supplies to the petitioner shall be restored without delay until fresh orders are passed by the Sub-Divisional Officer, Masaurhi, Dist- Patna (Respondent No.2).

9. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time



provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

HR/-

AFR/NAFR	NAFR
CAV DATE	-
Uploading Date	18.03.2021
Transmission Date	-

