

CIVIL WRIT JURISDICTION CASE NO. 13563 of 2021

... .. Petitioner/s

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate, Rohtas at Sasaram.
3. The Sub-Divisional Officer cum License Authority, Rohtas at Sasaram.
4. The District Supply Officer, Rohtas at Sasaram.
5. The Block Supply Officer, Kochas, Rohtas at Sasaram.

... Respondent/s

For the Petitioner/s : Mr. Sanjay Kumar, Advocate.
For the Respondent/s : Mr. Alok Kumar, AC to AAG-5

ORAL ORDER

The instant case 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.

Th  it petition has been filed



for quashing the order dated 05.07.2021 passed by the Sub-Divisional Officer cum Licensee Authority, Rohtas at Sasaram whereby and whereunder the PDS license of the petitioner bearing license no. 21/2007 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 01.07.2020, the Sub-Divisional Officer cum Licensee Authority, Rohtas at Sasaram 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 Kumar, 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 01.07.2020, issued by the Sub-Divisional Officer cum Licensee Authority, Rohtas at Sasaram 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 01.07.2020, issued by the Sub-Divisional Officer cum Licensee Authority, Rohtas at Sasaram, 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 05.07.2021 suffers from material legal infirmity on account of the show cause notice dated 01.07.2020 being contrary to law. Consequently, the impugned order dated 05.07.2021, passed by the Sub-Divisional Officer cum Licensee Authority, Rohtas at Sasaram stands vitiated in the eyes of law, thus, is quashed, however, with liberty to the Sub-Divisional Officer, Rohtas at Sasaram to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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