

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 13614 of 2021

Avadha Kumar Son of Late Jhagaru Ram, Gram and Post Moap Kalan Moap
Buurg, P.S. Imadpur Block Tarari, District - Bhojpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Divisional Commissioner, Bhojpur, Ara.
2. The Divisional Commissioner, Bhojpur, Ara.
3. The District Magistrate, Bhojpur, Ara.
4. The Sub Divisional Officer, Piro, Bhojpur, Ara.
5. The District Supply Officer, Bhojpur, Ara.
6. The Block Supply Officer, Tarari, Bhojpur.
7. The Block Development Officer, Tarari, Bhojpur.

... .. Respondent/s

Appearance:

For the Petitioner/s : Mr. Sanjeev Kumar Mishra, Advocate
For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC -4

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 16-09-2021 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.

The present writ petition has been filed seeking quashing of the order dated 15.04.2021 passed by the Sub-Divisional Officer, Piro, Bhojpur, Ara whereby and whereunder the PDS license of the petitioner bearing License No. 62 of 2016 has been cancelled.



The learned counsel for the petitioner has raised a short issue for consideration to the effect that the show cause notice dated 18.01.2021, issued by the Sub-Divisional Officer, Piro, Bhojpur, Ara, does not indicate about any proposal for cancellation of the license. Thus, it is submitted that 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 **10.07.2018** passed in **LPA No. 499 of 2018 (Ram Bechan Ram vs. The State of Bihar & Ors.)**, reported in **2018(4) PLJR 518**.

The learned counsel for the respondent-State Shri 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 18.01.2021, issued by the Sub-Divisional Officer, Piro, Bhojpur, Ara does not mention about any proposal of cancellation of the license of the petitioner, hence admittedly no show cause 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 18.01.2021, issued by the Sub-Divisional Officer, Piro, Bhojpur, Ara is not only contrary to the provisions contained in Rule 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 Bechan Ram (supra), hence, the impugned order dated 15.04.2021, passed by the Sub-Divisional Officer, Piro, Bhojpur, Ara suffers from material legal infirmity on account of the show cause notice dated 18.01.2021, being contrary to law. Consequently, the impugned order dated 15.04.2021 passed by the Sub-Divisional Officer, Piro, Bhojpur, Ara stands vitiated in the eyes of law, thus is quashed, however, with liberty to the Sub-Divisional Officer, Piro, Bhojpur, Ara to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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