

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8726 of 2020

Subhas Ram Son of Vishundev Ram, Resident of Ward no 13 Puraini,
Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate Madhepura.
3. The Sub Divisional Officer, Udakishunaganj Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Mishra, Advocate
For the Respondent/s : Mr.Lalit Kishore (Ag)

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 26-02-2021 The petitioner is aggrieved by the cancellation of his
PDS licence.

Learned counsel appearing on behalf of the petitioner would submit that the respondents have acted in most arbitrary manner and without application of mind, the PDS licence of the petitioner has been cancelled. Pursuant to the FIR the PDS licence of the petitioner was suspended on 28.4.2020. The petitioner was asked to represent the matter. On 6.6.2020 the petitioner was asked to file second show cause. Without appreciating the contents of the second show cause reply, the order of cancellation of licence was passed on 20.6.2020. Counsel for the petitioner has placed reliance on the judgment in LPA No. 499 of 2018 whereby the Division Bench held out that



the order is unsustainable in view of the fact that the principles of natural justice was not followed.

In the facts of the case, where the petitioner has submitted his explanation, it was obligatory on the part of the respondents to examine the merit of the explanation furnished but the same is totally missing in the consideration while passing the order of cancellation. The reasoned order is the third principle of natural justice as held out by the Constitution Bench of the Supreme Court in **S.N. MUKHERJEE Vs. UNION OF INDIA, *S.N. Mukherjee v. Union of India (1990) 4 SCC 594.***

In view of the above, the impugned order dated 20.06.2020 is quashed. However, quashing of the order of cancellation of PDS licence will not preclude the respondents from taking fresh decision after opportunity of hearing to the petitioner.

With the aforesaid, the writ petition stands allowed and disposed of.

(Anil Kumar Upadhyay, J)

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