

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15185 of 2021

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Saurav Kumar Son of Sadanand Yadav Resident of Ward No.10, Shyam Gram
Panchayat Pirnagar, Block Gwalpara, Udakishunganj, Madhepura.

... .. Petitioner/s

Versus

1. The State of Bihar through the Divisional Commissioner, Madhepura.
2. The Divisional Commissioner, Madhepura.
3. The District Magistrate, Madhepura.
4. The Sub Divisional Officer, Udakishunganj.
5. The Block Supply Officer, Gwalpara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra, Adv.
Ms. Manini Jaiswal, 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 25-10-2021 The present writ petition has been filed for quashing
of the order dated 10.08.2021 passed by the Sub-Divisional
Officer, Udakishunganj whereby and where under the PDS
license of the petitioner bearing license no. 57/2018 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 16.07.2021, the Sub-Divisional Officer,
Udakishunganj 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 16.07.2021, issued by the Sub-Divisional Officer, Udakishunganj, 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 16.07.2021, issued by the Sub-Divisional Officer, Udakishunganj, 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 Bechan Ram** (supra), hence, the impugned order dated 10.08.2021 suffers from material legal infirmity on account of the show cause notice dated 16.07.2021 being contrary to law. Consequently, the impugned order dated 10.08.2021, passed by the Sub-Divisional Officer, Udakishunganj, stands vitiated in the eyes of law, thus, is quashed, however, with liberty to the Sub-Divisional Officer, Udakishunganj to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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