

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.750 of 2021

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Ram Shankar Chaudhary S/o Nathuni Chaudhary, R/o Village - BinodPur, P.S.
Begusarai Muffasil (Singhaul), District - Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supplies Department, Govt. of Bihar, Patna.
2. The District Magistrate, Begusarai.
3. The Sub Divisional Officer, Begusarai, Begusarai.
4. The Block Supply Officer, Begusarai, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shubhesh Pandey, Advocate

For the Respondent/s : Mr. Upendra Pratap Singh, AC to Standing Counsel-4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-10-2021 The present writ petition has been filed seeking quashing of the order dated 27.04.2020 passed by the Sub-Divisional Officer, Begusarai, whereby and whereunder the PDS license of the shop of the petitioner has been cancelled merely on account of lodging of an FIR bearing Begusarai Muffasil (Singhaul) P.S. Case No. 203 of 2020 dated 26.04.2020.

The short point raised by the learned counsel for the petitioner is that the provision contained under Rule 28 of the Bihar Targeted PDS (Control) Order, 2016 (hereinafter referred to as the 'Order, 2016'), postulates issuance of show cause



notice to the licensee before taking any lawful action including that of cancellation of license of a licensee, however, on the very next date of lodging of the FIR the license of the PDS shop of the petitioner has been cancelled without issuance of any show cause notice, hence the entire action including the impugned order dated 27.04.2020 passed by the Sub Divisional Officer, Begusarai stands vitiated in the eyes of law.

Per contra, the learned counsel for the respondent-State Shri Upendra Pratap Singh, AC to Standing Counsel-4 has not disputed the position as is existing in law.

Having regard to the facts and circumstances of the case and considering the fact that no show cause notice has been issued to the petitioner prior to cancellation of his license, as mandated under Rule 28 of the Order, 2016 and in fact the license of the petitioner has been cancelled on the very next date of lodging of the FIR in question, this Court finds that the impugned order dated 27.04.2020 is not sustainable in the eyes of law, hence is quashed.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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