

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2011 of 2021

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Sakaldev Prasad Singh Son of Kewal Singh Resident of Village-Paterha
Buzurg, P.S. and Distirct-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The Collector, Vaishali, District-Vaishali.
3. The Sub-Divisional Officer, Hajipur, Distirct-Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Rajeev Kumar Labh, 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 27-09-2021 The present writ petition has been filed for quashing the order dated 04.07.2020 passed by the Sub-Divisional Officer, Hajipur, whereby and whereunder the PDS license of the petitioner bearing License No. 32 of 2016 has been cancelled.

The short point raised by the learned counsel for the petitioner is that a show cause notice dated 08.04.2020 was issued by the Sub-Divisional Officer, Hajipur, however, the same does not indicate any proposal regarding cancellation of license as is mandated under Rule 27(ii) of the Bihar Targeted PDS (Control) Order, 2016. Thus, it is submitted that no show cause has been issued to the petitioner mentioning about the proposal of cancellation of license of the petitioner, thus the



show cause notice itself suffers from material illegality and is not in consonance with Rule 27(ii) of the Bihar Targeted PDS (Control) Order, 2016. In this regard, the learned counsel for the petitioner has relied upon a judgment rendered by the learned Division Bench of this Court in the case of ***Ram Bechan Ram vs. The State of Bihar & Ors.*** reported in ***2018(4) PLJR 516.***

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, this Court finds that the show cause notice dated 08.04.2020 issued by the Sub-Divisional Officer, Hajipur suffers from material illegality inasmuch as it is contrary to the provisions contained under Rule 27(ii) of the Bihar Targeted PDS (Control) Order, 2016, since no proposal regarding cancellation of license has been mentioned in the said show cause notice dated 08.04.2020, resulting in the petitioner being precluded from submitting his defence, leading to violation of the principle of natural justice, hence the impugned order dated 04.07.2020 passed by the Sub-Divisional Officer, Hajipur, cancelling the license of the petitioner, stands vitiated in the eyes of law, thus



is quashed, however, the matter is remanded back to the Sub
Divisional Officer, Hajipur to proceed afresh, in accordance
with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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