

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16751 of 2021

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Visheshwar Prasad Son of Akalu Mahto, Resident of Village - Batawapar
Nardiganj, P.S. - Nardiganj, District - Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
2. The District Magistrate - Cum - Collector, Nawada.
3. The Sub-Divisional Officer, Nawada Sadar.
4. The Block Supply Officer, Nardiganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Akash Chaturvedi, 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 04-10-2021 The present writ petition has been filed seeking quashing of the order dated 19.2.2021 passed by the Sub-Divisional Officer, Nawada Sadar whereby and where under the PDS license of the petitioner bearing license no. 30/2007 has been cancelled.

The short point raised by the learned counsel for the petitioner is that while issuing the show cause notice dated 29.1.2021, the Sub-Divisional Officer, Nawada Sadar has not mentioned about any proposal for cancellation of the license, which is in contravention of the mandate of 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 29.1.2021, issued by the Sub-Divisional Officer, Nawada Sadar, 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 29.01.2021, issued by the Sub-Divisional Officer, Nawada Sadar, 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 19.2.2021 suffers from material legal infirmity on account of the



show cause notice dated 29.01.2021 being contrary to law. Consequently, the impugned order dated 19.2.2021, passed by the Sub-Divisional Officer, Nawada Sadar, stands vitiated in the eyes of law, thus, is quashed, however, with liberty to the Sub-Divisional Officer, Sasaram to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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