

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16782 of 2021

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Shail Devi @ Mu Shail Devi Wife of Late Rajnath Prasad Yadav Resident of
Village - Tenua, Meera Mushari, P.S. Chapra, Muffasil, District- Saran at
Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar, through the District Magistrate, Saran at Chapra.
2. The Sub - Divisional Officer, Sadar Chapra, Supply Division, Dist. Saran at Chapra.
3. The Block Supply Officer, Sadar Chapra, District- Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey, Advocate.
For the Respondent/s : Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-10-2021 The present writ petition has been filed for quashing of the order dated 18.9.2018 passed by the learned Sub-Divisional Officer, Saran at Chapra whereby and where under the PDS license of the petitioner bearing license no. 66/2016 has been cancelled. The petitioner has further prayed for quashing of the appellate order dated 9.8.2021 passed by the District Magistrate, Saran at Chapra, whereby and where under the appeal of the petitioner bearing Supply Appeal No. 37 of 2018 has been rejected.

The learned counsel for the petitioner has raised a short issue for consideration, to the effect that while issuing the show cause notice dated 29.08.2018,



the Sub-Divisional Officer, Sadar Chapra 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 Alok Ranjan (AC to AAG 5), 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 29.08.2018, issued by the Sub-Divisional Officer, Sadar Chapra, 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 29.08.2018, issued by the Sub-Divisional Officer, Sadar Chapra, 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 Bachan Ram (supra), hence, the impugned order dated 18.09.2018 passed by the Sub-Divisional Officer, Sadar Chhapra, as also the appellate order dated 9.8.2021 passed by the District Magistrate, Chapra suffer from material legal infirmity on account of the show cause notice dated 29.08.2018 being contrary to law. Consequently, the impugned order dated 18.09.2018, passed by the Sub-Divisional Officer, Sadar Chapra, as also the appellate order dated 9.8.2021 passed by the District Magistrate, Chapra, being unsustainable in the eyes of law, are quashed, however, the matter is remanded back to the Sub-Divisional Officer, Sadar Chapra with liberty to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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