

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2543 of 2021

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Dilip Kumar Son of Bal Mukund Ram Resident of Mokama Ghat, Ward No. 27, P.S.- Mokama, District- Patna.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Labh, Advocate
For the Respondent/s : Mr.Lalit Kishore (Ag)

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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 23.01.2021 passed by the Sub-Divisional Officer, Barh, district-Patna, whereby and whereunder the PDS license of the petitioner bearing License No. 211 of 2016 has been cancelled.

The short point raised by the learned counsel for the petitioner is that a show cause notice dated 21.04.2020 was issued by the Sub-Divisional Officer, Barh, district-Patna, 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 notice has been issued to the



petitioner mentioning about the proposal of cancellation of license of the petitioner, thus the show cause notice dated 21.04.2020 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 21.04.2020 issued by the Sub-Divisional Officer, Barh, district-Patna 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 21.04.2020, resulting in the petitioner being precluded from submitting his defence, leading to violation of the principle of natural justice, hence the impugned order dated



23.01.2021 passed by the Sub-Divisional Officer, Barh, district-Patna, 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, Barh, district-Patna to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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