

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17290 of 2021

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Uperdih Primary Agriculture Credit Co-operative Society Ltd. Through its present Chairman namely Pramod Kumar, (Male) Age 42 Years, Son of Late Amrit Prasad, Resident of Village- Ahiyapur, Police Station and Block-Sirdalla, District- Nawadah.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection Government of Bihar, Patna.
2. The Divisional Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Nawadah.
4. The Sub Divisional Officer-cum- Licensing Authority, Rajauli, District-Nawadah.
5. The District Co-operative Officer, Nawadah.
6. The Block Supply Officer, Sirdalla, District- Nawadah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.

For the Respondent/s: Mr. Uday Pratap Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-10-2021 The present writ petition has been filed for quashing of the order dated 29.7.2017, contained in Memo dated 31.07.2017, passed by the Sub-Divisional Officer, Rajauli whereby and where under the PDS license of the petitioner's Society bearing license no. 433/2011 has been cancelled.

The learned counsel for the petitioner has raised a short issue for consideration, to the effect that while issuing the show cause notice dated 08.07.2017, the Sub-Divisional Officer, Rajauli 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 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 08.07.2017, issued by the Sub-Divisional Officer, Rajauli, 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 08.07.2017, issued by the



Sub-Divisional Officer, Rajauli, 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 dated 29.7.2017, contained in Memo dated 31.07.2017 suffers from material legal infirmity on account of the show cause notice dated 08.07.2017 being contrary to law. Consequently, the impugned order dated dated 29.7.2017, contained in Memo dated 31.07.2017, passed by the Sub-Divisional Officer, Rajauli, stands vitiated in the eyes of law, thus, is quashed, however, with liberty to the Sub-Divisional Officer, Rajauli to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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