

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3553 of 2021

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Asnarayan Chaudhary S/o Bir Bhadur Chaudhary Resident of Village -
Navanagar, Panchayat - Karisath, P.S. - Udwanthnagar, District- Bhojpur at
Ara.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection
Department, Government of Bihar, Patna.
2. The Collector, Bhojpur at Ara.
3. The Sub Divisional Officer, Sadar Ara.
4. The Block Supply Officer, Udwanthnagar, District- Bhojpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari, Adv.
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 28-10-2021 The present writ petition has been filed for
quashing the order dated 25.8.2020 passed by the
Sub-Divisional Officer, Sadar Ara whereby and
whereunder the PDS license of the petitioner
bearing license no. 30/2016 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
2.7.2020, the Sub-Divisional Officer, Sadar Ara 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 2.7.2020, issued by the Sub-Divisional Officer, Sadar Ara, 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 2.7.2020, issued by the Sub-Divisional Officer, Sadar Ara, 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 25.8.2020 suffers from material legal infirmity on account of the show cause notice dated 2.7.2020 being contrary to law. Consequently, the impugned order dated 25.8.2020, passed by the Sub-Divisional Officer, Sadar Ara, stands vitiated in the eyes of law, thus, is quashed, however, with liberty to the Sub-Divisional Officer, Sadar Ara to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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