

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 18003 of 2019

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Ajmat Ali son of Thag Miyan, resident of Dhumnagar,
Chandpur, Ward No. 01, P.O.+ P.S. Dhumnagar, District West
Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Civil
Supply, Government of Bihar, New Secretariat, Patna.
2. The District Magistrate, West Champaran, Bettiah.
3. The Sub-Divisional Officer, Sadar Bettiah, West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra, Advocate
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

4

22-09-2021

The instant case has been taken up for consideration
through the mode of Video conferencing in view of the
prevailing situation on account of COVID 19 Pandemic,
requiring social distancing.

The present writ petition has been filed for quashing
the order dated 23.07.2015 passed by the Sub-Divisional Officer,



Sadar Bettiah, West Champaran, whereby and where under the PDS license of the petitioner bearing license no. 108/2007 has been cancelled as also for quashing the appellate order dated 09.07.2019 passed by the District Magistrate, West Champaran, Bettiah, by which the appeal preferred by the petitioner 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 16.07.2015, the Sub-Divisional Officer, Sadar Bettiah, West Champaran 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 e



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 16.7.2015, issued by the Sub-Divisional Officer, Sadar Bettiah, West Champaran, 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 16.07.2015, issued by the Sub-Divisional Officer, Sadar Bettiah, West Champaran, 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 23.07.2015 passed by the Sub-Divisional Officer, Sadar Bettiah, West Champaran, as also the appellate order dated 9.7.2019 passed by the District Magistrate, West Champaran, Bettiah suffers from material legal infirmity on account of the show cause notice dated 16.07.2015 being contrary to law. Consequently, the impugned order dated 23.07.2015, passed by the Sub-Divisional Officer, Sadar Bettiah, West Champar:  rder dated 09.07.2019 passed by

the District Magistrate, West Champaran, Bettiah, being unsustainable in the eyes of law, are quashed, however, the matter is remanded back to the Sub-Divisional Officer, Sadar Bettiah, West Champaran, with liberty to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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