

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18249 of 2019

=====

Chandra Kishor Singh Son of Late Manbodh Singh, Resident of Village-
Manas Naya, Panapur, P.S.- Digha, District- Patna.

... .. Petitioner/s

Versus

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

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Labh
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 19-03-2021 The present petition has been filed for quashing the order dated 11.06.2019, passed by the Sub Divisional Officer, Danapur, District-Patna, whereby and whereunder the licence of P.D.S. shop of the petitioner, bearing License No. 17 of 2007 has been cancelled.

The short point raised by the petitioner in support of the present petition is that show cause notices dated 08.10.2018 and 16.01.2019 were issued by the Sub-Divisional Officer, Danapur, District-Patna to the petitioner, however, the same is contrary to the provisions contained in Rule **27 sub-clause(ii) of the Bihar Targeted P.D.S. Control Order, 2016** which stipulates that no order of cancellation of a license shall be made until the licensee has been given sufficient opportunity to state his case



against the proposal of cancellation of his license. It is submitted that the show cause notices dated 08.10.2018 and 16.01.2019 nowhere refer to the proposal of cancellation of licence of the petitioner and the Sub-Divisional Officer, Danapur, District-Patna has directly cancelled the license of the petitioner by the impugned order dated 11.06.2019, hence it is submitted that the order dated 11.06.2019, passed by the Sub Divisional Officer, Danapur, District-Patna is illegal, contrary to law and is liable to be quashed.

Per contra, the learned counsel for the respondent-State though, has opposed the submissions made by the learned counsel for the petitioner, however he has not disputed the position, as is existing in law.

Having regard to the facts and circumstances of the case, having heard the learned counsel for the parties and having perused the materials available on record, this Court finds that the show cause notices dated 08.10.2018 & 16.01.2019, issued by the Sub- Divisional Officer, Danapur, District-Patna, is contrary to the provisions contained in ***Rule 27 sub-clause (ii) of the Bihar Targeted P.D.S. Control Order, 2016***, inasmuch as the Sub-Divisional Officer, Danapur, District-Patna has failed to issue any show cause notice to the petitioner, granting him an opportunity to state his case against the proposal of cancellation of his license,



in terms of ***Rule 27(ii) of the Bihar Targeted P.D.S. Control Order, 2016***, thus the impugned order dated 11.06.2019, passed by the Sub- Divisional Officer, Danapur, District-Patna stands vitiated, hence is quashed, however with liberty to the Sub- Divisional Officer, Danapur to proceed afresh in accordance with law.

It is needless to state that the issue of restoration of the license of the petitioner shall be subject to the final outcome of the fresh proceedings to be initiated by the respondent-authorities, against the petitioner herein.

The writ petition stands allowed on the aforesaid terms.

(Mohit Kumar Shah, J)

rinkee/-

U			
---	--	--	--

