

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.24150 of 2019**

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Kamlesh Kumar Gupta Son of Laxmi Prasad Gupta Resident of Village-  
Raghunathpur, Panchayat- Wajirpur, Block- Vikram, P.S.- Rani Talab,  
District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Collector-cum-District Magistrate, Bihar at Patna.
3. The Additional Collector, Supply, Patna, District Patna.
4. The Block Supply Officer, Bikram, District- Patna.
5. The Sub Divisional Officer-cum-Licensing Authority, Paliganj, District- Patna.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Sumit Kumar Singh<br>Mr. Binod Kumar Singh         |
| For the Respondent/s | : | Mr. Arvind Ujjwal (SC-4)<br>Mr. U.P. Singh, AC to SC-4 |

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      25-03-2021              The present petition has been filed for quashing the order dated 19.10.2019, passed in Case No. 24 of 2018 (Bikram) by the Sub-Divisional Officer, Paliganj, whereby and whereunder the PDS license of the petitioner bearing License No. 178/2016-17, has been cancelled.

The present case has a chequered history inasmuch as the petitioner had approached this Court earlier by filing writ petition bearing CWJC No. 22936 of 2018 and this Court by an order dated 21.12.2018, had quashed the order passed by the Sub-Divisional Officer, Paliganj, Patna dated 21.08.2018 on the



ground of the same being in teeth of Rule 28 of the Bihar Targeted PDS Control Order, 2016. Again the petitioner had approached this Court for quashing of the impugned order dated 28.02.2019, passed by the Sub-Divisional Officer, Paliganj, Patna, cancelling the PDS license of the petitioner and this time also this Court had quashed the order passed by the Sub-Divisional Officer, Paliganj, Patna dated 08.02.2019, by an order dated 02.07.2019 passed in CWJC No. 12408 of 2019 on the ground that the proposed punishment of cancellation of license has not been mentioned in the show cause notice issued to the petitioner.

The learned counsel for the petitioner has again raised the issue of non-mentioning of the proposal of cancellation of license in the show cause notice dated 28.08.2019 issued by the Sub-Divisional Officer, Paliganj and has submitted that on account of such deficiency in the show cause notice dated 28.08.2019, the impugned order dated 19.10.2019 is hit by the provisions contained under Rule 27 of the Bihar Targeted PDS (Control) Order, 2016, apart from the fact that the impugned order dated 19.10.2019 is a non-speaking, un-reasoned and a perfunctory order. In this regard, the learned counsel for the petitioner has referred to 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*** as also the one rendered by the Hon'ble Apex Court in the case of ***M/s. Kranti Associates Pvt. Ltd. & Anr vs. Masood Ahmed Khan & Ors***, reported in ***(2010)9 SC 496***.

The learned counsel for the respondents has not disputed the position as is existing in law.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the parties, this Court finds that first of all the impugned order dated 19.10.2019, passed by the Sub-Divisional Officer, Paliganj, Patna stands vitiated in view of non compliance of the mandate of Rule 27 of the Bihar Targeted PDS (Control) Order, 2016, inasmuch while issuing show cause notice to the petitioner dated 28.08.2019, the Sub-Divisional Officer, Paliganj has failed to mention about the proposal of cancellation of license and secondly the order dated 19.10.2019 is not only an un-reasoned and a perfunctory order but also does not deal with the reply of the petitioner, hence the impugned order dated 19.10.2019 passed by the Sub-Divisional Officer, Paliganj is unsustainable in the eyes of law, hence is quashed.

It is needless to state that the Sub-Divisional Officer,



Paliganj shall issue appropriate show cause notice, in accordance with law, to the petitioner herein within a period of two weeks from today, whereafter the petitioner shall submit his reply within a period of two weeks thereupon and then the Sub-Divisional Officer, Paliganj, Patna shall take the final decision within a further period of four weeks therefrom.

The writ petition stands allowed.

**(Mohit Kumar Shah, J)**

S.Sb/-

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