

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24216 of 2019

=====

Bindula Devi, W/O Mahendra Ram, Near Maszid, Village- Bhagwanpur,
P.O.- Balbhadrapur, P.S.- Birpur, District- Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
2. The District Magistrate-cum-Collector, Supaul.
3. The Sub-Divisional Officer, Birpur.
4. The Block Supply Officer, Basantpur.(Supaul)

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Akash Chaturvedi, Adv.
For the Respondent/s : Mr.Alok Ranjan, AC to AAG 5

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 21-01-2021 Heard both sides.

2. The petitioner in this writ petition seeks quashing of order dated 27.09.2018 as contained in Memo No.1271 dated 28.09.2018 passed by the Sub-Divisional Officer, Birpur whereby the licence of the petitioner for P.D.S. shop has been cancelled.

3. Learned counsel for the petitioner assailed the order cancelling the P.D.S. licence of the petitioner on the ground that no notice was served on the petitioner and the order cancelling the licence was passed without hearing the petitioner.

4. Mr. Alok Ranjan, learned A.C. to A.A.G. 5 submits that the State-respondent in counter affidavit has stated that the



show-cause notice was issued but there is nothing on record to show that the show-cause notice was duly served on the petitioner. No service of notice is annexed with the writ petition. Rule 27 (ii) of the Targeted Public Distribution System (Control) Order, 2016 requires that the licensing authority shall pass the order cancelling the licence of the licensee after giving sufficient opportunity but I find that no sufficient opportunity was given to the petitioner before cancelling the licence of the petitioner. Accordingly, I find that the order impugned suffers from illegality and is not sustainable. Thus, the impugned order is set aside. The matter is remitted to the Sub-Divisional Officer, Birpur to decide the case afresh after hearing the petitioner within four months from the date of receipt of this order. Accordingly, this writ petition is allowed.

(Prabhat Kumar Jha, J)

Harish/-

U			
---	--	--	--

