

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1084 of 2022

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Suresh Rai S/o Sukhdeo Rai, Resident of Village - Ibrahimabad, P.S. -
Raghopur, District - Vaishali at Hajipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply
Department, Govt. of Bihar, Patna.
2. The District Magistrate, Vaishali.
3. The Sub-Divisional Officer, Hajipur at Vaishali.
4. The Block Supply Officer, Raghopur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Akash Chaturvedi
For the Respondent/s : Mr. Upendra Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

4 06-04-2022 Heard the learned counsel for the parties.

The only and major grievance of the petitioner
is that after suspension of his P.D.S. license under Rule 28
of the Bihar Targeted Public Distribution System (Control)
Order, 2016, no notice was served upon him and his license
was ultimately cancelled.

The State was asked to find out the veracity of



this statement. The counter affidavit though indicates that show-cause notice dated 29.03.2019 was served upon the petitioner but he did not reply till 29.03.2019. However, from the counter affidavit, it does not appear as to the mode of service of notice to the petitioner.

The afore-noted statement of the counter affidavit has been categorically denied by the learned counsel for the petitioner in his rejoinder petition.

In the absence of any definite proof of service of notice on the petitioner, we are inclined to accept the statement of the petitioner that without service of show-cause notice to him, his license has been cancelled.

For the aforesaid reason, the order of cancellation of the license of the petitioner is set aside and matter is remanded to Licensing Authority to advert to the reply which shall be filed by the petitioner within a period of thirty days from today and to pass a reasoned order s within a further period of sixty days.

Needless to state that all the documents necessary for responding to the accusation against the petitioner would



be afforded to him and the order so passed by the Licensing
Authority shall be a reasoned order.

(Ashutosh Kumar, J)

(Anjani Kumar Sharan, J)

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