

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10079 of 2021**

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Md. Hanif Ansari. S/o Late Md. Ramjan Resident of Village-Noawan, P.S.-  
Sakurabad, District-Jehanabad.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Collector, Jehanabad.
3. The Licensing Authority-cum-Sub-Divisional Officer, Jehanabad.
4. The Block Supply Officer, Ratni Faridpur, District-Jehanabad.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari, Advocate  
For the Respondent/s : Mr.Lalit Kishore ( AG )

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

**(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)**

4      04-02-2022                      The present writ petition has been filed for quashing the order dated 08.03.2021 passed by the Sub-Divisional Officer, Jehanabad, whereby and whereunder the PDS license of the petitioner bearing License No. 21 of 2016 has been cancelled.

The short point raised by the learned counsel for the petitioner is that a show cause notice dated 09.02.2021 was issued by the Sub-Divisional Officer, Jehanabad, however, the same does not indicate any proposal regarding cancellation of



license as is mandated under Rule 27(ii) of the Bihar Targeted PDS (Control) Order, 2016. Thus, it is submitted that no show cause has been issued to the petitioner mentioning about the proposal of cancellation of license of the petitioner, thus the show cause notice itself suffers from material illegality and is not in consonance with Rule 27(ii) of the Bihar Targeted PDS (Control) Order, 2016. In this regard, the learned counsel for the petitioner has relied upon 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.

The learned counsel for the respondent-State has not disputed the position as is existing in law.

Having regard to the facts and circumstances of the case, this Court finds that the show cause notice dated 09.02.2021 issued by the Sub-Divisional Officer, Jehanabad suffers from material illegality inasmuch as it is contrary to the provisions contained under Rule 27(ii) of the Bihar Targeted PDS (Control) Order, 2016, since no proposal regarding cancellation of license has been mentioned in the said show cause notice dated 09.02.2021, resulting in the petitioner being precluded from submitting his defence, leading to violation of



the principle of natural justice, hence the impugned order dated 08.03.2021 passed by the Sub-Divisional Officer, Jehanabad cancelling the license of the petitioner, stands vitiated in the eyes of law, thus is quashed, however, the matter is remanded back to the Sub Divisional Officer, Jehanabad to proceed afresh, in accordance with law.

The writ petition stands allowed.

**(Rajan Gupta, J)**

**(Mohit Kumar Shah, J)**

S.Sb/-

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