

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11999 of 2021

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Kanchan Kumari Wife of Satya Narayan Kumar resident of village- Gopalpur,
P.S.- Sherghati, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply Dept.
government of Bihar, Patna
2. The District Magistrate, Gaya
3. Sub Divisional Officer, Sherghati, Gaya
4. District Supply Officer, Sherghati, Gaya
5. Block Supply Officer, Sherghati, Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (SC 4)

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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)

2 21-02-2022 Heard the learned counsel for the petitioner and Sri

Arvind Ujjwal, the learned Standing Counsel no. 4, appearing

for the State.

The present writ petition has been filed for quashing
of the order dated 27.03.2021, passed by the learned
Sub-Divisional Officer, Sherghati (Gaya), whereby and
whereunder the P.D.S. license of the petitioner bearing license
no. 02 of 2019 has been cancelled.

The learned counsel for the petitioner has raised a
short issue for consideration, to the effect that while issuing the



show cause notice dated 03.03.2021, the Sub-Divisional Officer, Sherghati (Gaya) has not indicated about any proposal for cancellation of the license. Thus, no show cause notice was issued to the petitioner, proposing cancellation of the license, as is contemplated under **Rule 27(ii) of the Bihar Targeted PDS (Control) Order, 2016**. The learned counsel for the petitioner has further submitted that the present case is squarely covered by a judgment rendered by the learned Division Bench of this Court ***dated 10.7.2018 passed in L.P.A. No. 499 of 2018 (Ram Bechan Ram vs. The State of Bihar & Ors.)***.

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 and having considered the materials available on record, this Court finds that the show cause notice dated 03.03.2021, issued by the Sub- Divisional Officer, Sherghati (Gaya) does not mention about any proposal for cancellation of the license of the petitioner, hence admittedly, no show cause notice has been issued to the petitioner, proposing cancellation of the license, as is contemplated under **Rule 27(ii) of the Bihar Targeted PDS (Control) Order, 2016**. Thus, the show cause notice dated 03.03.2021, issued by the Sub- Divisional Officer, Sherghati



(Gaya) is not only contrary to the provisions contained in ***Clause- 27(ii) of the Bihar Targeted PDS Control Order, 2016*** but also contrary to the law laid down by this Court in the case of ***Ram Bechan Ram (supra)***, hence, the impugned order dated 27.03.2021, passed by the learned Sub-Divisional Officer, Sherghati (Gaya) suffers from material legal infirmity on account of the show cause notice dated 03.03.2021 being contrary to law. Consequently, the impugned order dated 27.03.2021, passed by the learned Sub-Divisional Officer, Sherghati (Gaya) is quashed, however, the matter is remanded back to the Sub-Divisional Officer, Sherghati (Gaya) with liberty to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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