

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13280 of 2021

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Smt. Chanda Kumari Devi @ Chanda Kumari W/O - Vikash Kumar Resident
of Village - Ward No. 3 Mahamadpur Kuwori, P.S. - Tajpur, District-
Samastipur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Food and Consumer
Protection Department, Government of Bihar, Patna.
2. The District Magistrate, Samastipur.
3. The Sub Divisional Officer, Samastipur.
4. The Block Supply Officer, Sarairanjan, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Preety Kunwar, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (Standing Counsel-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 22-02-2022 The present writ petition has been filed for quashing

of the order dated 17.02.2021 passed by the learned Sub-

Divisional Officer, Samasipur, whereby and where under the

PDS license of the petitioner bearing license no. 202/2019 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 03.11.2020, the Sub-Divisional Officer,

Samastipur did not indicate 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 Bachan 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 03.11.2020, issued by the Sub-Divisional Officer, Samastipur, 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 03.11.2020, issued by the Sub-Divisional Officer, Samastipur, 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 Bachan Ram (supra), hence, the impugned order dated 17.02.2021 passed by



the Sub-Divisional Officer, Samastipur suffers from material legal infirmity on account of the show cause notice dated 03.11.2020 being contrary to law. Consequently, the impugned order dated 17.02.2021, passed by the Sub-Divisional Officer, Samastipur being unsustainable in the eyes of law, is quashed, however, the matter is remanded back to the Sub-Divisional Officer, Samastipur 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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