

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10077 of 2020

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Nunu Lal Marandi Son of Chandar Marandi, Resident of Village- Mukunda,
P.S.-Jaupur, District-Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretary, Patna.
2. The District Magistrate, Banka.
3. The Sub-Divisional Officer, Banka, District-Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Labh, 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 24-03-2022 The present petition has been filed for quashing the order dated 13.05.2020 passed by the Sub-Divisional Officer, Banka, whereby and whereunder the license of the PDS shop of the petitioner bearing License No. 67 of 2012, has been cancelled.

The short point raised by the learned counsel for the petitioner is that no show cause notice was ever given to the petitioner prior to issuance of the impugned order dated 13.05.2020 resulting in violation of the principles of natural justice inasmuch as the petitioner was not given any opportunity to put forth his defence.



Per contra, the learned counsel for the respondent-State has though referred to the counter affidavit filed in the present case but it is apparent from the sequence of events mentioned in the counter affidavit that the Sub-Divisional Officer, Banka had on 12.05.2020, directed the Block Supply Officer, Katoria to enquire into the illegalities being committed by the petitioners at his PDS shop, whereafter the Block Supply Officer had submitted a detailed report and upon consideration of the same, the impugned order dated 13.05.2020 was passed, cancelling the license of the PDS shop of the petitioner.

We have perused the records and heard the learned counsel for the parties. Admittedly, as also not denied by the learned counsel for the respondent-State, after the Sub-Divisional Officer, Banka had called for a report from the Block Supply Officer, Katoria vide his letter dated 12.05.2020, a detailed report dated 12.05.2020 was submitted by the Block Supply Officer, Katoria, however, without issuing any show cause notice to the petitioner, the impugned order dated 13.05.2020, cancelling the license of the P.D.S. shop of the petitioner, has been passed unilaterally.

Having regard to the facts and circumstances of the case, we are of the view that non-issuance of show cause notice



prior to passing of the impugned order dated 13.05.2020 cancelling the license of the PDS shop of the petitioner clearly amounts to non-compliance of the principles of natural justice, hence on this ground alone, the impugned order dated 13.05.2020, passed by the Sub-Divisional Officer, Banka is fit to be set aside, being contrary to law, thus is quashed, however, the matter is remanded back to the Sub-Divisional Officer, Banka for proceeding afresh in the matter, if so advised.

The writ petition stands allowed.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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