

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 10076 of 2020

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Surendra Bharti S/o Baidyanath Bharti Resident of Village- Jaithpur Tiwari
Tola, P.S.- Daudpur, Block- Manjhi, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Collector, Saran at Chapra.
3. The Sub-Divisional Officer, Sadar Chapra.
4. The Block Supply Officer, Manjhi, District- Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari, Adv.
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)

3 01-02-2022 The present writ petition has been filed for quashing the order dated 20.3.2020 passed by the Sub-Divisional Officer, Sadar Chapra, whereby and where-under the PDS license of the petitioner bearing license no. 33/2016 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 31.12.2019, the Sub-Divisional Officer, Sadar Chapra 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, Sri Upendra Pratap Singh (AC to SC-4), 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 31.12.2019, issued by the Sub-Divisional Officer, Sadar Chapra, 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 31.12.2019, issued by the Sub-Divisional Officer, Sadar Chapra, 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 20.03.2020 suffers from material legal infirmity on account of the show cause notice dated 31.12.2019 being contrary to law. Consequently, the impugned order dated 20.03.2020, passed by the Sub-Divisional Officer, Sadar Chapra, stands vitiated in the eyes of law, thus, is quashed, however, with liberty to the Sub-Divisional Officer, Sadar Chapra to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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