

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14222 of 2021

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Ram Balak Paswan S/o Late Ramashish Paswan, Resident of Village -
Birahpur, P.S. - Pear, District - Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Collector, Muzaffarpur.
3. The Sub-divisional Officer, (East) Muzaffarpur.
4. The Block Supply Officer, Bandra, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Dhananjaya Nath Tiwari, Advocate
For the Respondent/s	:	Mr.S. Raza Ahmad (Aag5)

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE S. KUMAR)

(The proceedings of the Court are being conducted through Video Conferencing and the Advocates joined the proceedings through Video Conferencing from their residence.)

Date : 17-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

1. That this writ petition is being filed on behalf of the petitioner for quashing the order contained in Memo No. 1053/A dated 25.03.2021 passed by the learned Sub Divisional Officer, (East) Muzaffarpur, by which he was pleased to cancel the PDS license of the petitioner being Licence No. 23-05-04/2016 granted under the provisions of P.D.S. Order, 2016 for carrying on business under the Public Distribution System has been canceled even without Show Cause to the petitioner and further he pleased to restore the PDS license of the petitioner.

It is submitted on behalf of the learned counsel for the petitioner that before passing the order of cancellation of licence, a show cause notice dated 28.01.2021 was issued to petitioner to show cause within 3 days. Although in the show cause notice, enquiry report was stated to be made enclosure but show cause issued to petitioner did not contain any inquiry report. Petitioner received said show cause after expiration of 3 days, as such, he was not in a position to file the show cause reply to the said notice. Previous notice, as alleged, was never served upon the petitioner.

Accordingly, the order dated 26.03.2021 passed by the Licensing authority-cum-Sub-divisional Officer, (East), Muzaffarpur, in which he has held that in spite of service of show cause, no reply was submitted by petitioner, is set aside being in violation of principles of natural justice as well as no reasonable opportunity was provided to the petitioner to meet the allegations, as made out in the show cause notice and the matter is remanded to the Licensing authority-cum-Sub-divisional Officer, (East), Muzaffarpur for initiation of fresh proceeding in accordance with law after giving 15 days notice to the petitioner to reply to the show cause notice as well as reasonable opportunity to lead his evidence both oral and

documentary to deny the allegations levelled against him in the
show cause notice.

The writ petition is allowed.

(Sanjay Karol, CJ)

(S. Kumar, J)

Sanjay/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	28.01.2022
Transmission Date	NA