

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14610 of 2021

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Ram Lakhan Poddar, S/o Late Ramaswarup Poddar, Resident of Village-Ward
No. 05, Harivansh Nagar, P.S.-Khagaria, District-Khagaria, 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, Khagaria.
3. The Sub Divisional Officer, Khagaria.
4. The District Supply Officer, Khagaria.
5. The Block Supply Officer, Khagaria.

... .. Respondent/s

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Appearance :

For the Petitioner/s :	Mr. N. K. Agarwal, Sr. Advocate
	Ms. Preety Kunwar, Advocate
For the Respondent/s :	Mr. S.Raza Ahmad (AAG-5)

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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 : 20-01-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief:-

“For quashing the Memo no. 72 an Order
dated 03-04-2020 passed by the S.D.O., Khagaria
and Order dated 19-01-2021 passed by the
Learned Collector by which P.D.S. License No.
01K/2007 of the petitioner has been cancelled.”

Petitioner was issued a show cause notice dated

19.03.2020 in which it is stated that undersigned had inspected the PDS shop on 19.03.2020 i.e. same day and found 4 irregularities which forms the part of show cause and he was directed to submit his show cause reply within three days and thereafter passed order on 03.04.2020 that in spite of show cause notice dated 19.03.2020 he failed to file his show cause within three days and as such his licence was cancelled by order passed by the licensing authority for the irregularities found during inspection as well as for violation of terms and conditions of the licence.

The order passed by the Licensing Authority-cum-SDO, Khagaria is a cryptic and non-speaking order and no reasons has been assigned by the authority for passing said order. Moreover, three days time granted to petitioner to file his show cause reply is itself in violation of principles of natural justice and petitioner has been denied reasonable opportunity to deny the allegations as levelled in the show cause notice.

Accordingly, the order 03-04-2020 passed by the S.D.O., Khagaria and the appellate order dated 19-01-2021 passed by the Collector is set aside and the matter is remanded to the Licensing authority-cum-Sub-divisional Officer, Khagaria for initiation of fresh proceeding in accordance with law after

giving 15 days notice to the petitioner to reply to the show cause notice which should contain the enquiry/inspection report and all materials collected against petitioner during enquiry/inspection 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	
Transmission Date	NA