

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19541 of 2021

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Renu Kumari Wife of Ram Kumar Thakur Resident of Village- Bahilwara
Tole, Dhanushi, Panchyat Garha, Block- Runnisaidpur, P.S.- Runnisaidpur,
District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The District Magistrate Sitamarhi, District- Sitamarhi.
3. The District Supply Officer Sitamarhi, District- Sitamarhi.
4. The Sub Divisional Officer cum Licensing Authority Sitamarhi Sadar, District- Sitamarhi.
5. The Block Supply Officer Block- Runnisaidpur, District- Sitamarhi.
6. The SHO cum Officer In-charge Runnisaidpur Police Station, District- Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Chandra, Advocate
For the Respondent/s : Mr. Arvind Ujjwal (S.C. 4)

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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 : 01-02-2022

Heard learned counsel for the parties.

Petitioner has prayed for following relief(s):-

- (i) To quash the order dated 04.10.2021 issued through
Memo No. 851 / Aa under the signature of the Sub-
Divisional Officer Sitamarhi, Sadar (Respondent No. 4) by

which he has cancelled the P. D. S shop license No. 11/2019 of the petitioner. (Annexure- 4).

- (ii) To restore the P D S shop license of the petitioner.
- (iii) To pass any other appropriate order /orders as your lordship may deem fit and proper for the end of justice.

The impugned order dated 04.10.2021 passed by Respondent No. 4, namely, the Sub-Divisional Officer-Cum-Licensing Authority, Sitamarhi Sadar, District- Sitamarhi is a cryptic and non-speaking order and entails civil consequences as it affects the petitioner's rights.

On institution of F.I.R. the PDS license can be suspended U/s. 28 of the Bihar Targetted Public Distribution System (Control) Order, 2016 on arrest or licensee being declared absconder and license can be cancelled U/s. 20 of the Bihar Targetted Public Distribution System (Control) Order, 2016 if licensee is convicted by a criminal Court.

In view of the submissions made and the grounds mentioned in the petition, the impugned order dated 04.10.2021 passed by Respondent No. 4, namely, the Sub-Divisional Officer-Cum-Licensing Authority, Sitamarhi Sadar, District- Sitamarhi cancelling P.D.S. Licence No. 11/2019 of the

petitioner, is quashed and set aside, with liberty to the petitioner to approach Respondent No. 4 afresh.

Petition is disposed of in the following terms:

(a) The petitioner shall make himself available before the The Sub-divisional Officer, Sadar, Gaya on 21.02.2022;

(b) On the said date, the entire material shall be supplied to the petitioner;

(c) Within two weeks thereafter, petitioner shall file response, complete in all respects;

(d) Petitioner shall fully cooperate and not take any unnecessary adjournment;

(e) The officer shall pass an order assigning reasons within a period of three months thereafter;

(f) While considering such request, principles of natural justice shall be followed and due opportunity of hearing afforded to the parties.

(g) Liberty reserved to the petitioner to challenge the order, should the need so arise subsequently.

The petition is disposed of in the aforesaid terms.

Interlocutory application, if any, shall also stand

disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

Rajiv/veena-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	