

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20633 of 2021

=====

Prawesh Kumar Paswan Son of Late Shambhu Paswan, Resident of Village - Raksi, Village Panchayat - Utari Lodhway, Police Station - Fatehpur, District - Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub-Divisional Officer, Sadar Gaya.
4. The District Supply Officer, Dist. - Gaya.
5. The Block Supply Officer, Fatehpur, Dist. - Gaya.

... .. Respondent/s

=====

Appearance :

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

=====

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 : 10-02-2022

Heard learned counsel for the parties.

Petitioner has prayed for the following relief(s).

That this is an application for issuance of appropriate writ/writs, order/orders and direction/directions to quash the order dated 28.07.2021 contained in memo no. 710 by which the Ld. Sub Divisional Officer, Sadar Gaya has capaciously been cancelled the License No. 46/16 of the petitioner's father carrying on business under the Public Distribution System as a P.D.S. dealer and for direction upon the concerned authority for grant of P.D.S. license on

compassionate basis in view of the death of the original licensee his father namely Shambhu Paswan, for which he is entitled for and/or pass such other order(s) as your Lordships may deem fit and proper under the facts and circumstances of the case.”

Father of petitioner was a PDS dealer for which licence was granted being licence No.46/16 by the licensing authority. An inspection was done of PDS shop on 7.6.2021 by the Block Supply Officer and show cause notice dated 2.7.2021 was issued by the licensing authority -cum- SDO, Gaya Sadar to submit his explanation in respect of allegations made in the show cause notice. Father of petitioner submitted his reply to the show cause notice denying the allegations and, thereafter, without considering the reply, the licensing authority has cancelled the licence granted to the father of petitioner by rejecting the reply that same is not satisfactory and cancelled the licence granted to the father of the petitioner by impugned order dated 28.07.2021.

The impugned order dated 28.07.2021 passed by Respondent No. 3, namely, the Sub-Divisional Officer, Sadar Gaya is a cryptic and non-speaking order and no reason has been assigned by the licensing authority for cancellation of licence granted to father of petitioner which amounts to violation of principles of natural justice as well as not affording

reasonable opportunity while cancelling the PDS licence which entails civil consequences.

In view of the submissions made and the grounds mentioned in the petition, the impugned order dated 28.07.2021 passed by Respondent No. 3, namely, the Sub-Divisional Officer, Sadar Gaya cancelling P.D.S. Licence No. 46/16 granted to father of the petitioner, is quashed and set aside.

The petition is disposed of.

Interlocutory application, if any, shall also stand disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

veena/rajiv-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	