

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13450 of 2016

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Rajeshwar Prasad Sah S/o Late Ram Prasad Sah R/o VillP.O.- Chhajana, P.S.-
Laukhani, Dist- Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Commissioner, Darbhanga Commissioner, Darbhanga.
3. The District Magistrate-cum-Collector, Dist- Madhubani.
4. The Sub-Divisional Officer, Phulparas, Madhubani.
5. The Block Supply Officer, Phulparas cum Ghoghardiha, Dist- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yogendra Mishra
For the Respondent/s : Mr. Alok Ranjan

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

3 09-11-2022 Heard Mr. Yogendra Mishra, learned advocate

for the petitioner and Mr. Alok Ranjan for the State.

The petitioner, a PDS licensee is aggrieved by the

order dated 7.7.2014 passed by the Licensing Authority,

whereby the license of the petitioner has been cancelled on

various grounds which do not form part of the charge with

which the petitioner was confronted in the notice dated

27.05.2014.

Mr. Mishra has tried to demonstrate before this



Court that by the notice dated 27.05.2014, the petitioner was asked to explain the circumstance under which the kerosene oil to be distributed amongst the beneficiaries, was not lifted from the depot after depositing requisite cost which actually had caused lot of consternation amongst beneficiaries.

Though the petitioner could not answer to the charge in the notice for the reason of the ailment of his father for which he had sought an extension of time, but we find that the order of cancellation of license takes into account other anomalies and breach of the license conditions with which the petitioner was never confronted.

On this score alone, we do not find the order passed by the Licensing Authority, cancelling the license of the petitioner to be justified in the eyes of law. We thus, set aside the same with a direction to the Licensing Authority to issue a fresh notice to the petitioner within a period of 30 days from the date of receipt /production of a copy of this order.

After receiving the reply of the petitioner for



which he shall be given sufficient opportunity, an order shall be passed by the Licensing Authority giving reasons for his conclusions.

The orders passed by the licensing authority shall be made available to the petitioner forthwith.

The entire exercise shall be concluded within a period of 60 days, to be counted from the issuance of fresh notice to the petitioner.

With the afore-noted direction/observation the writ petition stands disposed of.

(Ashutosh Kumar, J)

(Nawneet Kumar Pandey, J)

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