

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21204 of 2021

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Krishna Singh S/o Musafir Singh Resident of Village Ghareya, P.S.-
Ghareya, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Food and Consumer Protection Department, Govt. Of Bihar, Old Secretary, Patna.
2. The District Magistrate, Gaya.
3. The SDO, Sadar Gaya.
4. The L.R.D.C., Sadar Gaya
5. The Block Supply Officer, Wazirganj, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vijay Anand

For the Respondent/s : Mr. Upendra Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

and

HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 22-02-2022

1. Heard Mr. Vijay Anand, the learned
counsel for the petitioner and Mr. Upendra Pratap Singh, the



learned counsel for the State.

2. The order impugned in the present petition is the order of cancellation of P.D.S. license of the petitioner.

3. The learned counsel for the petitioner has submitted that with respect to the contemplated action of cancellation of the license of the petitioner, the first notice dated 20.10.2021 was not received by him. The second notice dated 09th of Nov. 2021 which was sent to him by post was received by him on 24.11.2021.

4. The notice referred to above gave one week's time to the petitioner to respond to the charges, which time would have started to run after the notice was received by the licensee. Taking 24.11.2021 as the reference date, the final order could not have been passed before 1st of December 2021. Since, there was panchayat election in the concerned block on 29.11.2021 for which counting was fixed on 01.12.2021, the petitioner furnished his reply only on 02.12.2021. However, much before that, the impugned order appears to have been passed on



25.11.2021.

5. From the perusal of the order, it further appears that the first notice was declined to be accepted by the petitioner.

6. Be that as it may, since the order was passed before the petitioner responded to the notice which was received by him on 24.11.2021, we are of the view that the petitioner ought to be given an opportunity before the Licensing Authority to represent his case before a final order is passed.

7. For the aforesaid reason, we set aside the impugned order and remit it to the Licensing Authority, namely, respondent no 3.

8. The Licensing Authority shall, after giving fresh opportunity to the petitioner for filing his show cause reply, take a final decision in the matter within a period of 60 days, to be counted from the date of receipt / production of a copy of this order.

9. Needless to state that a reasoned order shall be passed by the concerned respondent which shall be



intimated to the petitioner forthwith.

10. The petition stands allowed and disposed off accordingly.

(Ashutosh Kumar, J)

(Anjani Kumar Sharan, J)

sunilkumar/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	24.02.2022
Transmission Date	N/A

