

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9895 of 2022

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Sushmita Kumari Wife of Virendra Kumar Resident of Village - Telbhadro,
Police Station - Akbarpur, District - Nawadah.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food Supply and Consumer Affairs, Government of Bihar, Patna.
2. The Sub Divisional Officer-cum-Licensing Authority, Rajauli, District - Nawadah.
3. The Block Supply Officer, Akbarpur, District- Nawadah.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Arun Kumar, Adv.
For the Respondent/s : Mr.Arvind Ujjwal (SC4)

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

Date : 23-01-2023

Heard learned counsel for the petitioner and the

State.

The petitioner is aggrieved by order dated

12.02.2022 passed by the Licensing Authority whereby his

license for the P.D.S. shop has been cancelled.

It has been submitted that an F.I.R. was

instituted against the petitioner, in pursuance whereof, her

license was suspended on 18.10.2019. Thereafter, by



memo dated 18.10.2019, a show-cause was issued to her, asking for her explanation as to why her licence be not cancelled.

It is next submitted that the petitioner submitted her reply stating that during supervision of the criminal case, she was found to be innocent, which fact also stands supported by the letter of the Officer-in-Charge, Akbarpur dated 24.07.2021 addressed to the Licensing Authority (Annexure-6). A legal opinion, thereafter was sought by the Licensing Authority from the Legal Cell, Nawada and thereafter the licence of the petitioner was cancelled on the grounds that Section 14(i),(iv) and (xi) of the Bihar Targeted Public Distribution System (Control) Order, 2016 have been breached, necessitating action under Section 25 of the Control Order of 2016.

The learned counsel submits that the notice was initially issued to the petitioner for seeking an explanation with regard to institution of the F.I.R. and for the ground on which the license has been cancelled, the petitioner was



never confronted with and asked to explain, which renders the order of cancellation bad in the eyes of law.

The learned counsel for the State opposes the submissions referred to above but, is not able to rebut the submission of the petitioner, that the ground on which her license was cancelled, was not intimated to her in the notice for her to explain it away.

Thus, the order dated 12.02.2022, cancelling the license of the petitioner, is hereby set aside.

The matter is remitted to the Licensing Authority, who shall issue a fresh notice to the petitioner within a period of fifteen days from the date of receipt/production of a copy of this order, giving reasonable time to the petitioner to respond to such notice.

The petitioner shall respond within 30 days of her receipt of the notice and only after adverting to the reply and all other necessary facts, the Licensing Authority shall pass a final order within a further period of 60 days thereafter.



We need not remind the Licensing Authority that
he is required to pass a reasoned order.

The application stands allowed and disposed of in
the aforesaid terms.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.01.2023
Transmission Date	

