

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22682 of 2018

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Sri Narayan Prasad @ Narayan Prasad S/o Late Bajrangi Prasad, Resident of
Village-Hemja, Panchayat-Kenar Fatehpur, P.S.-Wazirganj, District-Gaya.
... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Food & Consumer Protection
Department, Old Secretariat, Patna.
2. The Sub-Divisional Officer, Sadar, Gaya.
3. The Block Supply Officer, Bodh Gaya
4. The Block Supply Officer, Wazirganj, Gaya
5. The Circle Officer, Fatehpur, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Vijay Anand, Adv.
For the State : Mr. Vijay Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and

HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 23-01-2023

Heard Mr. Vijay Anand, learned advocate for

the petitioner and Mr. Vijay Kumar Sinha for the State.

The license of the petitioner has been cancelled
under Section 28 of the Bihar Targeted Public Distribution
System (Control) Order, 2016.

The learned counsel for the Petitioner has invited
our attention to the show-cause notice dated 14.07.2017
which was issued to him after the institution of the F.I.R.
against him for explaining his cause. Before such notice



could be responded to, the license of the petitioner has finally been cancelled.

The learned counsel for the petitioner submits that when the F.I.R. is lodged against a PDS dealer and it is difficult to serve notice upon him for the reason of his having gone fugitive or of his being taken into custody, then the license is suspended in the first instance and thereafter notice is issued for taking a final decision.

In the present case, final order of cancellation of license has been passed straightway even when the petitioner had not replied to the notice which he now intends to.

Considering that every licensee is required to be heard before a final order of cancellation is passed, we are inclined to provide one more opportunity to him.

Accordingly, the order dated 09.11.2017 cancelling the license of the petitioner (Annexure-5) is 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 to such notice within 30 days of his receipt of the notice and only after advertizing 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 terms of what has been recorded above.

(Ashutosh Kumar, J)

(Satyavrat Verma, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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