

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6614 of 2024

Amrendra Kumar Yadav @ Amrendra Prasad Yadav, aged about 63 years,
Male, S/o Late Shiv Prasad Yadav, Resident of Village- Satauor Tola Baruahhi,
P.S. Nauhatta, District Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Collector, Saharsa.
3. The Sub-Divisional Officer, Sadar, Saharsa.
4. The Block Supply Officer, Nauhatta, District-Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. N. K. Agrawal, Senior Advocate with
Mr. Dhananjaya Nath Tiwari, Advocate.
Ms. Diksha Kumari, Advocate.

For the Respondent/s : Mr. Government Pleader-6.
Mr. Prabhat Ranjan, AC to GP-6.

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

4 27-08-2024 Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the
following reliefs:-

*“..... for quashing the order
contained in Memo No. 1980 dated
04.12.2023 passed by the Learned Sub-
Divisional Officer, Sadar, Saharsa by
which the PDS License of the petitioner
being License No. 127/2016 has been
cancelled and further be pleased to
restore the license and supply of the*



petitioner.”

3. Learned counsel appearing on behalf of the petitioner has stated that the authority has passed the impugned order of cancellation without serving the copy of the second show-cause notice and also on the ground that the petitioner has not filed any explanation to the second show-cause notice. Learned counsel has relied on the judgments of this Hon'ble Court passed in CWJC No. 5382 of 2024 dated 26.04.2024 and CWJC No. 6931 of 2023 dated 13.10.2023 and contended that even if no explanation is filed to the show cause notice, the authority is bound to pass a reasoned order on merits. That authority without passing any order on merits has simply passed the order of cancellation in a mechanical manner stating that the petitioner has failed to file the explanation to the second show-cause notice. Learned counsel has, therefore, prayed this Court to set aside the impugned order of cancellation and remand the matter back to the authority for passing the orders afresh duly giving an opportunity to the petitioner for filing an explanation to the second show-cause notice and then pass a reasoned order on merits.



4. Learned counsel appearing on behalf of the respondents has fairly submitted that the matter is covered by the judgments relied by the petitioner and prayed this Court to pass necessary orders.

5. Having regard to the above made submission, the impugned order of cancellation dated 01.12.2023 passed by the Sub-Divisional Officer, Sadar, Saharsa is set aside and the matter is remanded back to the Sub-Divisional Officer concerned for passing orders afresh. The petitioner is directed to file his explanation to the second show-cause notice within a period of four weeks from the date of the receipt of the copy of this order. On such explanation being filed, the authority concerned shall pass necessary orders strictly in accordance with law duly taking into consideration the explanation filed by the petitioner. The entire exercise shall be completed as expeditiously as possible preferably within a period of six weeks from the date of the filing of the explanation by the petitioner. In case the authorities are relying on the statements made by the consumers/beneficiaries, the petitioner shall be given an opportunity of examining the said consumers. Any order



passed shall be communicated to the party.

6. With the above directions, the present Writ
Petition stands disposed of.

(A. Abhishek Reddy, J)

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