

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5075 of 2023

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Sideshwar Prasad Sinha @ Sideshwar Singh, Male, aged about 69 years, Son of Late Ram Lagan Singh, Resident of Village- Naser, P.S.- Gurua, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The District Supply Officer, Gaya.
4. The Sub-Divisional Officer, Sherghati, District- Gaya.
5. The Block Supply Officer, Gurua, Sherghati, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashikant, Adv.

For the Respondent/s : Mr. Arvind Ujjwal, SC-4.

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

12 09-05-2024 Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the following relief(s):-

“.....for issuance of an appropriate writ in the nature of Certiorari for quashing the order dated 01.07.2019, passed by the Sub-Divisional Officer, Sherghati, Gaya (Respondent No. 4) in Supply Case No. 19/2019 as contained in Annexure-2 whereby and whereunder Learned S.D.O., Sharghati was pleased to cancel the Licence No. 262/2007 of the petitioner with immediate effect without considering the law laid down under E.C. Act and without giving an opportunity to the



petitioner to represent his case.”

3. Learned counsel appearing on behalf of the petitioner has assailed the order of cancellation passed by the Sub-Divisional Officer, Sherghati, Gaya on the ground that no prior show-cause notice has been issued nor an opportunity of hearing has been given to the petitioner before passing the impugned order. Learned counsel has stated that the authorities in their counter-affidavit have accepted the above fact and stated that the licence of the petitioner has been cancelled on the ground that F.I.R. was lodged against the petitioner and no prior notice was issued to the petitioner.

4. Learned counsel appearing on behalf of the respondents has not disputed the above contentions.

5. Having regard to the above made submissions, the impugned order dated 01.07.2019 passed by the Sub-Divisional Officer, Sherghati, Gaya (Respondent No. 4) is set aside, the authorities are directed to resume the supplies to the petitioner. In case, the authorities want to take any action against the petitioner for violation of the provisions of the Bihar Targeted Public Distribution System (Control) Order, 2016, they shall do so strictly in accordance with law. The authorities shall serve a show-cause notice listing the allegations against the petitioner duly enclosing the copy of the enquiry report, if any. The



petitioner shall be given an opportunity of filing his explanation.

On receipt of the said explanation, the authorities shall pass a reasoned order duly taking into consideration the explanation submitted by the petitioner.

6. With the above directions, the present writ petition stands allowed to the extent indicated.

(A. Abhishek Reddy, J)

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