

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.4511 of 2023**

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Pankaj Kumar, S/o- Late Dev Narayan Yadav, R/o- Village- Amaha, Ward  
No.- 07, P.O.- Amaha, P.S.- Supaul, District- Supaul, Pin- 852108.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food Supply  
Department, Govt. of Bihar, Patna.
2. The Secretary, Food Supply Department, Govt. of Bihar, Patna.
3. The District Magistrate cum Collector, Supaul.
4. The District Supply Officer, Supaul.
5. The Sub-Divisional Cum Licensing Authority, Supaul.
6. The Block Supply Officer, Supaul.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Ranjit Jha, Adv.  
For the Respondent/s : Mr.S. Raza Ahmad (Aag5)

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

13    29-01-2024                      Heard the parties.

2. The present writ petition is filed for the following  
relief(s):-

*“i. For quashing and set aside the impugned  
order of cancelation of P.D.S. license of  
petitioner bearing PDS License No. 247/2016,  
Panchyat- Amaha, Block- and District -  
Supaul, passed by the S.D.O. Supaul  
(Annexure-5) vide Memo No.1355-2/ Supply,  
dated 10.10.2019, and also set aside the  
impugned order dated 25.02.2020 of appeal  
No.- 14/2019 of petitioner passed by the  
Collector of Supaul (Annexure-7), along with  
the Impugned order of Supply Revision No.  
146/2021 dated 10.12.2022 vide Memo No.  
3682/Legal dated 13.12.2022 (Annexure-9)  
and petitioner pray to this Hon'ble Court for a  
Mandamus direction to S.D.O. Supaul to  
restore the P.D.S. License of petitioner bearing*



*PDS License No. 247/2016 on account of his no fault.*

*ii. For issuance of an order/direction to Restart the allotting of the grain and other materials to the beneficiaries of the P.D.S. of petitioner.*

*iii. For any other relief or reliefs to which the petitioner is found entitled to may kindly be granted to the petitioner.”*

3. Learned counsel appearing on behalf of the petitioner has stated that the authorities passed the order of cancellation for License No. 01 of 2016 and stopped the supply of commodities to the petitioner. Learned counsel has stated that the licence of the petitioner is actually License No. 247 of 2016, not the License No. 01 of 2016 which is acting in the name of one Kuldeep Choudahry. Learned counsel has stated that the action of the respondents is not supplying commodities to the petitioner on the ground that his licence has been cancelled is without any legal basis and in violation of the Bihar Targeted PDS Control Order. That as a matter of fact the licence of the petitioner bearing No. 247 of 2016 has not been cancelled till date. Learned counsel has therefore prayed this Hon'ble Court to set aside the impugned orders and allow the present writ petition and direction given to the respondents to resume the supply of the commodities to the petitioner.

4. Per contra, learned counsel appearing on behalf of the respondents has stated that the shop of the petitioner was inspected on 08.06.2019 and therefore, based on the inquiry report, the Sub-



Divisional Officer has issued show cause notice to the petitioner. Learned counsel has stated that at the time, inspection was done the board on the shop was showing as License No. 01 of 2016, therefore, the show cause notice was issued to the petitioner on the said license number. That the petitioner has submitted his explanation and after receipt of the explanation, the authority has passed the orders under impression that the licence of the petitioner is License No. 01 of 2016. That subsequently after filing of the present CWJC and on verification of the records it has come to light that the Licence of the petitioner is in fact License No. 247 of 2016 and not License No. 01 of 2016. The above made submission has been reiterated in the supplementary counter affidavit filed by the respondents.

5. Admittedly in the present case, the license of the petitioner is bearing License No. 247 of 2016 whereas the impugned orders passed by the Sub-Divisional Officer is pertaining to License No. 01 of 2016. This Court is of the opinion that the ends of Justice would be met, if the impugned order is set aside and the matter remanded back to the authority concerned for issuing a fresh show cause notice to the petitioner with correct license number and call for an explanation. That after receipt of the explanation submitted by the petitioner, the authority shall pass a reasoned order in accordance with law.

6. Having regard to the same, the impugned orders dated 10.10.2019, 25.02.2020 and 10.12.2022 are set aside and the matter



remanded back to the Sub-Divisional Officer, Supaul (Respondent No. 5) for issuing a fresh show cause notice to the petitioner with correct license number and call for his explanation. After receipt of the explanation, the Sub-Divisional Officer shall pass a reasoned order strictly in accordance with law.

7. It is needless to mention that before passing any order the petitioner shall be given an opportunity of hearing. The entire exercise shall be completed as expeditiously as possibly preferably within a period of eight weeks from the date of receipt of the copy of this order. Any order passed shall be communicated to the petitioner.

8. Accordingly, the present writ petition stands disposed of.

**(A. Abhishek Reddy , J)**

Bhardwaj/-

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