

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.5815 of 2024**

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Ghanshyam Paswan, Male, aged about 50 years, Son of Mahenddra Paswan,  
Resident of village- Arwa, P.S.- Bachhawara, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The Divisional Commissioner, Munger, Division, Munger.
3. The Collector-cum- District Magistrate, Begusarai.
4. The Sub- Divisional Officer, Teghara, Begusarai.
5. The Block Supply Officer Bachhwara, Begusarai.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Prem Prakash Poddar, Advocate.

For the Respondent/s : Mr. Addl. Advocate General 7.

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

2      21-06-2024                      Heard learned counsel for the parties.

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

*“.....for issuance of appropriate with (Writs), order (orders) Direction (Directions) for quashing the order contained in memo no. 164 (AA) dated 02.08.2016 passed by the learned Sub-Divisional Officer-cum-licensing authority by which the P.D.S. license of the petitioner bearing license No. 01/95 has been cancelled and further for quashing the appellate order dated 26.03.2019 passed in P.D.S. supply appeal case No. 27 of 2016 by the learned Collector - cum - District*



*Magistrate, Begusarai and also further quashing the learned Divisional Commissioner, Munger order dated 28.08.2023 issued in P.D.S. revision case No. 117 of 2023 by the learned Divisional Commissioner, Munger division by which he has dismissed the P.D.S. Revision and further be pleased to restore the licence and supply of the petitioner.”*

3. The present writ petitioner has assailed the following grounds; (1) that the show cause notice issued by the authorities dated 24.05.2016 is not in accordance with provisions of the Control Order most specifically Rule 27(ii) of the control order; (2) that the authority has cancelled the licence of the petitioner on the ground that the petitioner has not submitted his explanation to the show-cause notice.

4. Learned counsel appearing on behalf the petitioner has stated that the matter is fairly covered by the full Bench judgment of this Hon'ble Court passed in CWJC No. 21202 of 2021 and analogous cases dated 26.09.2023 and the order of this Hon'ble Court passed in LPA No. 861 dated 2004 dated 06.09.2004 has held that even if the licence holder does not file any explanation to the show cause notice, the authority concerned legally bound to pass orders on merits.

5. Learned counsel for the respondents has not



disputed the full Bench judgment of this Hon'ble Court passed in CWJC No. 21202 of 2021 and analogous cases dated 26.09.2023 and the order of this Hon'ble Court passed in LPA No. 861 dated 2004 dated 06.09.2004.

6. A perusal of the show cause notice issued by the authorities shows that there is no proposal for cancellation, therefore, the same is liable to be set aside on the ground that the said show cause notice is not in accordance with the provisions of the Rule 27 (ii) of the Control Order.

7. Having regard to the full Bench judgment of this Hon'ble Court passed in CWJC No. 21202 of 2021 and analogous cases dated 26.09.2023 and the order passed by this Hon'ble Court in LPA No. 861 dated 2004 dated 06.09.2004, the impugned order dated 28.08.2023 passed by the Divisional Commissioner, Munger, order dated 26.03.2019 passed by the Collector-cum-District Magistrate, Begusaria and the order dated 02.08.2016 passed by the Sub-Divisional Officer-cum-licensing authority are set aside and the matter is remanded back to the Sub-Divisional Officer for issuing a fresh show-cause notice to the petitioner in accordance with the Rule 27 (ii) of the Control Order and the authority shall give an opportunity to the petitioner to file his explanation and also the petitioner shall be



given an opportunity of hearing before passing any orders. The entire exercise shall be completed as expeditiously as possible preferably within a period of twelve weeks from the date of the receipt of the copy of this order.

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

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

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