

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7367 of 2020

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Shubhash Prasad Singh S/o Late Laxhmi Narayan Singh, Ward No. 16,
Village-Kumauli, P.S.-Kumauli, Block-Nirmali, District-Supaul.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
2. The District Magistrate-cum-Collector, Supaul.
3. The Sub-Divisional Officer, Nirmali, Supaul.
4. The Block Supply Officer, Nirmali, Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Ranjan, Advocate
For the Respondent/s : Mr. Prashant Pratap, GP 2

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**CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA
CHAKRAVARTHY
ORAL JUDGMENT
Date : 01-04-2024**

The petitioner has filed the present application for
the following reliefs:

“I. For issuance of writ in the nature of
certiorari for quashing of order dated 05.02.2020
issued by vide Memo No. 176-2 dated 05.02.2020
passed by the Sub- Divisional Officer, Nirmali
whereby the license issued by the petitioner under the
Public Distribution System has been cancelled without
affording any opportunity of hearing in gross violation
of Principles of Natural Justice which is wholly illegal
and without jurisdiction.

II. For issuance of writ in the nature of
mandamus directing the respondent to restore the
license granted to the petitioner under the Public



Distribution System and resumes to supply of food grains with immediate effect.

III. For issuance of writ in the name of declaration holding that the order passed by S.D.O, Nirmali is arbitrary and bad in law as no enquiry was conducted nor any enquiry report was prepared nor served upon the petitioner and without granting any opportunity of rebuttal the impugned action has been taken cancelling the PDS license of the petitioner as the same has been passed without any basis and the impugned action is wholly without jurisdiction and has been passed in gross violation of Principles of Natural Justice.

IV. To any other relief/s to which the petitioner is found entitled to in facts and circumstances of the present case.”

2. Learned counsel for the petitioner contended that this matter is squarely covered under the various judgments passed by this Hon'ble Court in CWJC No. 3792 of 2018 (Jagdeo Ram Vs The State of Bihar & Ors.), CWJC No. 4260 of 2018 (Bechu Ram Vs. The State of Bihar & Ors), CWJC No. 13846 of 2018 (Smt. Savitri Devi Vs. The State of Bihar & Ors.), CWC No. 8084 of 2020, (Rajiya Devi Vs. The State of Bihar & Ors.), CWJC No. 20710 of 2019 (Ashok Kumar Mehta Vs. The State of Bihar & Ors.), and CWJC No. 24812



of 2019 (Sanjay Kumar Vs. The State of Bihar & Ors.) vide orders dated 30.3.2018, 30.03.2018, 21.08.2018, 21.12.2020, 21.01.2021 and 28.01.2021 respectively.

3. Heard learned counsel for the petitioner as well as respondents.

4. In view of the fact that this matter is squarely covered by the aforesaid judgments, accordingly, the impugned order contained in Memo No. 176-2 dated 05.02.2020 (Annexure-5) passed by the Sub Divisional Officer, Nirmali (respondent no. 3 is hereby quashed and the matter is remanded to respondent no. 3 to consider and dispose of the matter afresh by a speaking order after grant of opportunity of hearing to the petitioner in accordance with law within three months from the date of the order.

5. With the aforesaid observations, this writ petition stands allowed.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.04.2024
Transmission Date	

