

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17185 of 2022

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Anil Kumar, Son of Prasadi Ravidas, Resident of Village- Basantpur, Ward No. 11, P.S.- Rupauli, District- Purnia.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate, Purnia.
3. The Sub Divisional Officer, Dhamdaha, Purnia.
4. The Block Supply Officer, Block, Rupauli, Purnia.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate Mr. Kumar Rajdeep, Adv. Mr.Arvind Kumar, Adv
For the Respondent/s	:	Mr.S. Raza Ahmad (AAG 5) Md. Ansul Haque, AC to AAG 5

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

3 24-01-2024 Heard learned counsel for the parties.

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

“for quashing the Order dated 26.08.2021 (Annexure-2) passed by the SDO, Purnia in Case No. 01/2021 whereby and where under the Public Distribution License of the Petitioner bearing License No.07/2021 has been cancelled in violation of principles of Natural Justice, in as much as the Impugned Order has been passed without giving show cause notice or opportunity of hearing within one day of the date of occurrence -on totally non-est and erroneous grounds in completely mechanical manner.”



3. Learned counsel appearing on behalf of the petitioner has stated that the present writ petition has been filed only on the two grounds. Firstly, the impugned order dated 26.08.2021 has been passed on the ground that the FIR bearing Rupauli P.S. Case No. 134 of 2021 has been lodged against the petitioner and secondly, before passing the impugned order of cancellation, no show cause notice was issued to the petitioner. Learned counsel has stated that the shop of the petitioner was inspected on 25.08.2021 and thereafter on the very next day the Block Supply Officer has reported the matter to the Sub-Divisional Officer, who vide order 26.08.2021 has cancelled the licence of the petitioner. Learned counsel has stated that the said action of the authority for cancellation of licence of the petitioner is against the principle of natural justice and therefore, prays this Hon'ble Court to set aside the impugned order.

4. *Per contra*, the learned counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the present writ petition and stated that the petitioner has an alternative and efficacious remedy of filing an appeal before the District Magistrate therefore, prayed this Hon'ble Court to dismiss the present writ petition.

5. Admittedly in the present writ petition, shop of the



petitioner was inspected on 25.08.2021 and the FIR was lodged on the same day and thereafter, on the very next day, Block Supply Officer had reported the matter to the Sub-Divisional Officer, Dhamdaha, Purnea. The authority concerned without issuing show cause notice to the petitioner has straightway cancelled the licence of the petitioner on 26.08.2021 on the basis of report submitted by the Block Supply Officer, Rupauli, Purnea. This Court vide order dated 02.11.2023 passed in CWJC No. 8168 of 2023 has said that the licence cannot be cancelled only on the ground that an FIR has been lodged against the petitioner.

6. Having regard to the same, the impugned order dated 26.08.2021 is set aside. However, in case the authorities concerned needs to take action against the petitioner for violation of the Bihar Targeted Public Distribution System (Control) Order, 2016, they are free to issue show cause notice to the petitioner along with the inquiry report and giving him an opportunity of filing explanation to the show cause notice by giving him reasonable time and pass necessary orders strictly in accordance with law after receipt of the explanation submitted by the petitioner.

7. It is needless to mention that before passing any



orders, the petitioner shall be given an opportunity of hearing.
The entire exercise shall be completed as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this order. Any order passed shall be communicated to the petitioner.

8. With the above directions, this Writ Petition stands disposed off.

(A. Abhishek Reddy , J)

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