

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6895 of 2025

Jai Prakash Uraon Son of Sita Ram Uraon, Resident of Village Mahuaa P.S.
Semra Post Tribhuwani, District West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Food and Civil Supply Government of Bihar New Secretariat, Patna.
2. The District Magistrate, West Champaran Bettiah.
3. The Sub Divisional Officer, Bagha Bettiah, West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar Mishra, Sr. Adv.
	:	Ms. Manini Jaiswal, Adv.
	:	Mr. Adya Pandey, Adv.
For the Respondent/s	:	Mr. Government Pleader (19)
	:	Mr. Swapnil Kumar Singh, AC to GP19

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

5 07-08-2025 This Court *vide* order dated 17.12.2024 in CWJC No. 12060 of 2024 while setting aside the order of the Sub-Divisional Officer in Memo No. 394 dated 13.07.2021 has directed the Sub-Divisional Officer to issue a fresh show cause notice in consonance with the Clause 27(ii) of the Control Order, 2016. However, the authority has issued a fresh show cause notice on 09.01.2025 bearing Memo No. 27 (Annexure-P/6) without mentioning the proposed punishment sought to be taken. Even the show cause notice dated 21.01.2025 (Annexure-P/7) does not contain any proposal for cancellation of the license of the petitioner.



2. This Hon'ble Court in CWJC No. 21202 of 2021 and analogous cases dated 26.09.2023 has held as under:

“19. Accordingly, we answer the reference as under:-

It is mandatory for a licensing authority issuing a notice under order 27(ii) to a licensee to mention that there is a proposal for cancellation of his license, failing which such notice cannot be treated to be a valid notice of giving sufficient opportunity to the licensee to state his case under order 27(ii) of the BTPDS Control Order. ”

3. Having regard to the judgment of the Full Court in CWJC No. 21202 of 2021 and analogous cases dated 26.09.2023, the impugned order passed by the Sub-Divisional Officer, Bagha dated 08.02.2025 is set aside. Even though the counsel for the respondent-State has prayed for remanding the matter back to the authority concerned for issuing a fresh show cause notice in consonance with the Clause 27(ii) of the Control Order, 2016, this Court is not inclined to pass the said order as it would be an abuse of process of law. Further, it is to be noted that the cancellation of the PDS license took way back in the year 2021 and more than five years have lapsed since the date of cancellation of the license. This Court in the peculiar circumstances deems it fit to restore the license of the petitioner.



The authority shall take necessary steps for restoring the license of the petitioner and also resume the supplies of the food grains as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order.

4. With the above direction, the present writ petition stands allowed to the extent indicated.

(A. Abhishek Reddy, J)

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