

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9914 of 2024

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Satya Narayan Mandal Son of Thakko Mandal Resident of Village- Mahdeva,
Ward No. 01, Post Office- Shankarpur, District -Samastipur, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Additional Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
3. The Collector, Samastipur.
4. The Sub-Divisional Officer, Rosera Cum Licensing Officer, Samastipur.
5. The District Supply Officer, Rosera, Samastipur.
6. The Block Supply Officer, Shivajee Nagar, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kaushalesh Choudhary
For the Respondent/s : Mr.Additional Advocate General (12)

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

4 29-01-2025 Heard learned counsel for the parties.

2. Petitioner has prayed for the following relief(s) :

“(i) For issuance of an appropriate writ(s)/Rule(s)/Direction(s) in the nature of mandamus commanding the concerned respondents, for quashing the order contained in memo no. 148 dated 16.02.2024 by which the petitioner’s PDS License No. 188/2016, for Shankarpur Panchayat Shivajee nagar has been cancelled without considering the petitioner’s reply



dated 05.10.2023 to the show cause dated 20.09.2023 as well as rely dated 20.12.2023 to the second show cause dated 30.11.2023 and then without serving the joint enquiry report dated 20.02.2024 to the petitioner.

(ii) For issuance of appropriate direction to the concerned respondents for restoration of petitioner's PDS license with all the facilities provided to the PDS dealer."

3. Learned counsel for the petitioner has stated that pursuant to a surprised inspection by the respondent No. 6, a show cause notice dated 20.09.2023 was issued to the petitioner. Learned counsel has stated that the inquiry report vide memo no. 414 dated 25.07.2023 relied by the Sub-Divisional Officer, Rosera has not been furnished to the petitioner. However, he filed his explanation to the show cause notice in which detailed allegations have been leveled against him. Thereafter, second show cause notice dated 30.11.2023 was also issued to him reiterating all the four allegations. The petitioner has filed his reply on 20.12.2023 to the second show cause notice. However, the authority vide memo no. 148 dated 16.02.2024 has canceled his PDS license.



4. Learned counsel for the petitioner has stated that from perusal of the impugned order passed by the S.D.O reveals that the authority had sought opinion from the Assistant District Supply Officer, Rosera who opined that the allegation of Block Supply Officer, Shivajee Nagar has been denied, therefore, it is essential to conduct joint enquiry. However, the said joint report was also not furnished to the petitioner and the impugned order has been passed.

5. 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 violated the provisions of the control Orders. Learned counsel has stated that the petitioner was put on notice, explanation was called for and finding the reply submitted by the petitioner without any supportive evidence, the authority has passed the impugned order. Learned counsel has therefore, prayed this Court to dismiss the present writ petition.

6. From perusal of the impugned order passed by the authority reveals that the authority on relying on the inquiry report of Block Supply Officer vide memo no. 414 dated 25.07.2023 has issued first show cause notice to the petitioner and after that the authority has relied on the joint inquiry report,



however, both the above said inquiry reports have not been provided to the petitioner to file his explanation, on this ground alone, this writ petition is allowed and the the impugned order dated 16.02.2024 passed by the Licensing Officer-cum-Sub-Divisional Officer, Rosera, Samastipur is set aside and the matter is remanded back to the authority concerned for passing orders afresh giving reasons and in accordance with law. The authority shall give an opportunity to the petitioner to file his explanation and on receipt of the said explanation pass a reasoned order duly taking into consideration the provision of the Bihar Targeted Public Distribution System (Control) Order.

7. The entire exercise shall be completed as expeditiously as possible 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. With the above observation this writ petition is disposed of.

(A. Abhishek Reddy , J)

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