

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9956 of 2025

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Kapildev Singh Son of Vaikunth Singh, Resident of Village- Chetan Tola,
Khutha, P.S.- Barahiya, District- Lakhisarai

... .. Petitioner/s

Versus

1. The State of Bihar Through Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna
2. The Divisional Commissioner, Munger,
3. The District Magistrate, Lakhisarai,
4. The Sub-Divisional Officer, Lakhisarai
5. The District Supply Officer, Lakhisarai,
6. The Additional Collector (District Law Department), Lakhisarai Lakhisarai
7. Block Supply Officer, Barahiya, Lakhisarai

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar
For the Respondent/s : Mr. Government Pleader (20)

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

2 24-09-2025

Heard the learned counsels for the parties.

2. This writ petition has been filed for seeking the following relief(s)

“(i) For Quashing of order the dated 2025 20.02.2025 contained in memo dated no. प्र 07-विविध-51/2024310 dated 05.03.2025 passed by Principal Secretary, Food and Consumer protection Depart, Government of Bihar by which application filed in light of order dated 24.10.2024 passed in C.W.J.C.No.12726 of 2023 has been disposed off with some observation.

(ii) For quashing the order dated 21.06.2023 passed by the Divisional Commissioner the respondent no. contained Annexure-5 in passed 2 as in Supply Revision No.-52/2022 whereby whereunder the respondent no.2 rejected the Revision petition of the petitioner upholding order dated 04.04.22 passed by the District Magistrate passed in Supply Appeal No. 19/2021 (Annexure-P4) resulting in cancellation of



P.D.S. licence of the petitioner.

(iii) For issuance of a direction upon the respondents authorities to restore the P.D.S. licence of the petitioner after setting aside the order dated 21.06.2023 (Annexure-P5) for proper distribution of the P.D.S. amongst the consumers of the petitioner.

(iv) And pass such other order/ orders in favour of the petitioner for which are entitled to. ”

3. Learned counsel appearing on behalf of the petitioner has stated that in the Show Cause Notice issued by the Sub-Divisional Officer there is no proposal for cancellation of the license. Learned counsel has stated that non-mentioning of the proposal for cancelling his license is contrary to the provisions of order 27(ii) of the Bihar Targeted Public Distribution System (Control) Order, 2016 (hereinafter referred to as ‘the Order, 2016’).

4. Learned counsel for the petitioner has relied on the judgment of the full Bench passed in CWJC No.21202 of 2021 and analogous cases dated 26.09.2023 to buttress his contention that non-mentioning of the proposed action in the show-cause notice is bad in law and contrary to Rule 27(ii) of the Control Order, 2016.

5. Learned counsel has stated in view of the above mentioned provisions of law and judgment relied by the petitioner, the impugned order may be set aside and matter remanded back to the authorities concerned for issuing a fresh



show-cause notice in terms of order 27(ii) of the Control Order, 2016 and thereafter take necessary action.

6. *Per contra*, the learned counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the writ petition and stated that the present writ petition is not maintainable as the petitioner has exhausted all the remedies and all the authorities have found that the petitioner has violated the provisions of the Control Order, 2016. Learned counsel has therefore prayed this Hon'ble Court to dismiss the present writ petition.

7. This Hon'ble Court in CWJC No.21202 of 2021 and analogous cases 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 license 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. ”

8. A perusal of the show-cause notice issued to the petitioner does not reveal that there is any proposal of the action sought to be taken against the petitioner. Therefore, the same has to held as bad, illegal, contrary to the provisions of Rule



27(ii) of the Control Order and has to necessarily set aside.

9. Having regard to the above facts and circumstances and the law laid down by this Hon'ble Court, the present CWJC is allowed. The impugned order passed by the Principal Secretary dated 20.02.2025, the order passed by the Divisional Authority dated 21.06.2023, the order passed by the Appellate Authority dated 04.04.2022 as well as the order passed by the Sub-Divisional Officer, Lakhisarai dated 27.10.2021 are set aside. The matter is remanded back to the Sub-divisional Officer for issuing a fresh show-cause notice to the petitioner strictly in compliance with the provisions of Rule 27(ii) of the Control Order, 2016 and call for his explanation by giving him reasonable time.

10. On such show-cause notice being served, the petitioner shall file his explanation within the stipulated time. On receipt of the explanation submitted by the petitioner the authority concerned shall pass a reasoned order strictly in accordance with law duly taking into consideration the explanation submitted by the petitioner.

11. 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.

12. With the above directions, this Writ Petition is allowed to the extent indicated above.

(A. Abhishek Reddy, J)

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