

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10145 of 2025**

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Satish Prasad Singh Son of Nageshwar Prasad Singh, Resident of Village-  
Kabauli Ram, Police Station- Pusa, District- Samastipur, Bihar, Pin- 848131.  
... Petitioner

Versus

1. The State of Bihar through the Secretary, Food and Civil Supply  
Department, Old Secretariat, Patna.
2. The Secretary, Food and Civil Supply Department, Old Secretariat, Patna.
3. The District Magistrate, Samastipur.
4. The Licensing Authority-cum-Sub Divisional Officer, Samastipur.
5. The Sub Divisional Officer, Samastipur.
6. The Block Supply Officer, Pusa, Samastipur. ... Respondents

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**Appearance :**

For the Petitioner : Mr.Sanjeet Kumar, Adv.  
For the Respondents : Mr.Standing Counsel (04)

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

2      09-07-2025                      Heard the parties.

2. The present writ petition has been filed for the  
following relief(s) :

*(I) For quashing of the order contained in memo No.  
1394 dated 19.09.2024 issued under the signature of  
the Sub Divisional Officer, Samastipur whereby and  
where under the license of the petitioner namely,  
Satish Prasad Singh for Public Distribution Shop  
situated at Panchayat Kubauliram, Block Pusa,  
District Samastipur, bearing Licence No. 57/07 has  
been cancelled with immediate effect and the monthly  
allotment of the shop has been cancelled, on the basis  
of an enquiry conducted on 26.12.2022 and enquiry  
report submitted by the Block Supply Officer, Pusa,  
Samastipur, vide letter No. 122 dated 28.12.2022. It is*



*stated that the copy of the inspection report have not been supplied to the petitioner.*

*That it is stated that the aforesaid procedure of cancellation is in complete violation of the Principle of Natural Justice and contrary to the Principle of Settled law.*

*A photocopy of the memo No. 1394 dated 19.09.2024 is annexed herewith and marked as Annexure - P/1 along with this present writ petition.*

*(II) For direction upon the concerned respondent to restore the license of the petitioner and to resume the monthly allotment of food grains and re-issue POS machine which has been submitted on 14.10.2024.*

*(III) For direction upon the concerned respondent to take serious action on the irregularities and put checks on the Public Distribution System in the concerned District.*

*(IV) For any other relief/reliefs this Hon'ble Court may find fit and proper in the facts and circumstances of the present case.*



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. The petitioner having exhausted all the remedies has approached this Court by way of this present CWJC that all the authorities have found that the petitioner has violated the provisions of the Control Order, 2016. That the said finding of fact arrived by all the authorities cannot be interpreted by this Hon'ble Court under Article 226 of the Constitution of India. 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 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.”*

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 be 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 Licensing Authority-cum-Sub-Divisional Officer, Samastipur, dated 19.09.2024 is 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)**

Shamshad/-

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