

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11116 of 2023

Vedanand Jha S/o Krityanand Jha, Resident of Village- Bhulni, P.S.-
Shahkhund, District Bhagalpur.

... .. Petitioner

Versus

1. The State of Bihar Through the Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Divisional Commissioner, Bhagalpur.
3. The District Magistrate, Bhagalpur.
4. The Sub Divisional Officer, Sadar, Bhagalpur.
5. The District Supply Officer, Bhagalpur.
6. The Block Supply Officer, Shahkhund, District- Bhagalpur.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. S.K. Thakur, Advocate Mr. Aditya Kr. Pandey, Advocate
For the Respondents	:	Mr. S. Raza Ahmad (Aag5)

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

13 09-10-2025 Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The present writ petition has been filed for the
following reliefs:

“(i) For issuance of writ in the appropriate nature for quashing of the order dated 18.06.2021 communicated vide Memo No. 414 dated 19.06.2021 passed by the Sub-Divisional Officer-cum-District Supply Officer in Supply Case No. 25/2020-21 whereby the Public Distribution System Licence No. 06/2016 of the petitioner of the village Bhulni has been cancelled.

(ii) For further quashing of the order dated 02.05.2022 passed by the Collector, Bhagalpur in Supply Appeal No. 345/2021-22 whereby the appeal



of the petitioner has been dismissed affirming the order passed by the District Supply Officer.

(iii) For further quashing of the order dated 18.04.2023 passed by the Divisional Commissioner, Bhagalpur in Supply Revision Case No. 31/2022-23 whereby the revision of the petitioner has been dismissed affirming the order passed by the appellate authority.

(iv) For further direction to the Respondent authorities to hear afresh and pass order considering the show cause and also considering that the order passed by this Hon'ble Court in CWJC No. 2705/2020 order dated 25.02.2020 no afresh notice was issued and the order has been passed contrary to the Rule-27 of the Bihar Targeted Public Distribution System (Control) Order, 2016.

(v) And for any other relief/reliefs for which the petitioner is found to be entitled in the eye of law.”

3. Learned counsel for the appellant submits that the petitioner had approached this Court by way of writ petition bearing number CWJC No. 2705 of 2020 and this Court was pleased to allow the said writ petition by setting aside the order passed by the Sub-Divisional Officer dated 09.12.2019 *vide* order dated 25.02.2020. This Court duly took into account the fact that the show cause notice issued to the petitioner was not in accordance with the Rule-27 of the Bihar Targeted Public Distribution System (Control) Order, 2016, and set aside the show case notice and also the order impugned in the said writ



petition and remanded the matter back to the Sub-Divisional Officer for proceeding afresh in accordance with law.

4. Learned counsel for the petitioner submits that the authority without putting the petitioner on further show cause notice has simply issued a notice dated 31.12.2020 bearing no. 1077 intimating the date of hearing. He further submits that authority ought to have issued the petitioner a fresh show cause notice reiterating the allegations against the petitioner and also the proposed action sought to be taken against the petitioner in terms of Rule-27 of the Bihar Targeted Public Distribution System (Control) Order, 2016.

5. Learned counsel has prayed before this Hon'ble Court to set aside the impugned order passed by the Sub-Divisional Officer dated 18.06.2021 communicated *vide* Memo No. 414 dated 19.06.2021, the order of the Appellate authority dated 02.05.2022 in Supply Appeal No. 345 of 2021-22 and the order of the Divisional Commissioner dated 18.04.2023 in Supply Revision Case No. 31 of 2022-23.

6. Per contra, learned counsel appearing on behalf of the respondent-State when queried as to whether any show case notice has been issued to the petitioner pursuant to the order passed by this Court in CWJC No. 2705 of 2020 dated



25.02.2020 and has fairly stated that the authority has not issued any show cause notice and only intimated the date of hearing *vide* Annexure- F dated 30.12.2020.

7. Having regard to the above made submissions the impugned order passed by the Divisional Commissioner dated 18.04.2023 in Supply Revision No. 31 of 2022-23, the order passed by the District Magistrate in Supply Appeal No. 345 of 2021-22 and the order of cancellation passed by the Sub-Divisional Officer dated 18.06.2021 communicated vide Memo No. 414 dated 19.06.2021 are all set aside. The matter is remanded back to the Sub-Divisional Officer authority for issuing a fresh show cause notice strictly in compliance with the Rule-27 of the Bihar Targeted Public Distribution System (Control) Order, 2016 and grant an opportunity to the petitioner to file his explanation to the said show cause notice by giving him sufficient time.

8. In case the authority seeks to rely on any inspection report of the Block Supply Officer, a copy of the same shall also be furnished along with the show case notice. After receipt of the explanation from the petitioner, the authority shall pass a reasoned order giving the reasons either for accepting the explanation or rejecting the same. The entire



exercise shall be completed as expeditiously as possible preferably within a period of twelve weeks from the date of receipt of copy of this order.

9. Needless to observe that before passing any order the petitioner shall be given an opportunity of hearing. Any order passed shall be communicated to the petitioner.

10. With the above direction, the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

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