

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13786 of 2025

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Kusum Devi, W/o Manoj Kumar Chaudhary, Resident of Ward No. 28,
Danapur Nijamat P.S. Danapur Nijamat, P.S.-District,-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Collector-Cum-District Magistrate, Patna.
3. The Sub-Divisional Officer Cum-Licensing Authority, Danapur, Dist. Patna.
4. The Sub-Divisional Welfare Officer, Danapur, Dist.-Patna.
5. The Block Development officer, Danapur, Dist.-Patna.
6. The Block Supply Officer, Maner, Danapur, Dist.-Patna.
7. The Block Supply Officer, Danapur, Urban Area, Dist.-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari, Adv.
For the Respondent/s : Mr.Standing Counsel (12)

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

2 16-09-2025 Heard learned counsel for the parties.

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

*“(I) For issuance of appropriate writ/
writs, order/ orders, direction
/directions in the nature of certiorari
for quashing the order contained in
Memo No. 03 dated 04.02.2025
passed by the Learned Sub-Division
Officer-cum-Licensing authority
Danapur (Patna) by which he has
cancelled the PDS license of the
petitioner being License No. 03/2016*



on the basis of notice where is no stipulation of proposed cancellation and that too by a cryptic and non-speaking order.

(ii) For issuance of appropriate writ/writs, order/orders, direction /directions in the nature of mandamus commanding the respondents to restore the license of the petitioner being License No. 03/2016.

(iii) For other relief/reliefs for which the petitioner is entitled in the eye of law.”

3. This Court vide order dated 17.12.2024 passed in CWJC No. 9390 of 2024 on earlier occasion had set aside the order passed by the Sub-Divisional Officer solely on the ground that the show cause notice issued to the petitioner was not in accordance with the Rule 27(ii) of the Bihar Targeted Public Distribution System (Control) Order, 2016. While disposing the CWJC, this Court has specifically directed the Sub-Divisional Officer to issue a fresh show cause notice to the petitioner strictly in compliance with the provisions of Rule 27(ii) of the Bihar Targeted Public Distribution System (Control) Order, 2016 and give him an opportunity of filing a fresh explanation to the said show-cause notice and thereafter pass a reasoned order. However the authority has issued a notice dated 16.01.2025 (Annexure (P/8) which does not contain the proposal for cancellation. The copy of the show cause reads as



under:-

प्रेषित,

श्रीमती कुसुम देवी,
रद्द जन वितरण प्रणाली विक्रेता,
अनुज्ञाप्ति संख्या - 03/ 16,
वार्ड संख्या- 28, दानापुर निजामत,
प्रखण्ड दानापुर, अनुमण्डल दानापुर,
जिला- पटना।

विषय- स्पष्टीकरण समर्पित करने के संबंध में।

प्रसंग C. W. J. C. Case No. 9390 of 2024 (कुसुम देवी बनाम
राज्य सरकार एवं अन्य)

उपर्युक्त विषयक प्रासनिक पत्र के संबंध में कहना है कि प्रखण्ड आपूर्ति अनधिकारी दानापुर के पत्रांक 108 दिनांक 15.06.2020 द्वारा पायी गई अनियमितता के आलोक में इस कार्यालय के आदेश ज्ञापाक 331/आ० दिनांक 16. 03. 2021 द्वारा बिहार लक्षित सार्वजनिक वितरण प्रणाली नियंत्रण (आदेश) 2016 का कंडिका 14 (vi), (viii), (xi), (xiv). (xv) (xvi) एवं 251) (3) का दोषी मानते हुए अनुज्ञाप्ति को रद्द कर दिया गया है। तदोपरान्त माननीय उच्च कायालय, पटना द्वारा C. W. J. C. Case No. 9390 of 2024 कुसुम बची बनाम राज्य सत्कार एवं अन्य) में दिनांक 17. 12. 2024 को आदेशित किया गया है कि आपके पक्ष की सुनवाई कर आदेश पारित की जाय। उपर्युक्त के आलोक में इस कार्यालय के ज्ञापाक 21 दिनांक 07. 01. 2025 द्वारा स्पष्टीकरण की मांग की गई। तदोपरान्त आपके द्वारा दिनांक 11. 01. 2025 को स्पष्टीकरण समर्पित किया गया, जो असंतोषजनक पाया गया।

अतः बिहार लक्षित सार्वजनिक वितरण प्रणाली नियंत्रण (आदेश) 2016 के कंडिका 27 (ii) के तहत पुनः अपना पक्ष रखने हेतु मौका दिया जाता है। निर्देशित है कि दिनांक 20.01. 225 के पूर्वा० 10:30 बजे अधोहस्ताक्षरी के समक्ष संदेह उपस्थित होकर साक्ष्य सहित अपना पक्ष समर्पित करे। आपका पड़ा संतोषजनक नहीं पाये जाय की स्थिति में बिहार लक्षित सार्वजनिक वितरण प्रणाली नियंत्रण (आदेश) 2016 के कंडिका 27 (i) द्वारा प्रदत्त शक्ति के तहत आदेशाक कार्रवाई की जाएगी।

अनुमण्डल पदाधिकारी,
दानापुर।



4. Having due regard to the earlier order dated 17.12.2024 passed by this Court in CWJC No. 9390 of 2024 and also the Judgment of the larger Bench passed in CWJC No. 21202 of 2021 and analogous cases dated 26.09.2023, this Court has no other option but to set aside the impugned order dated 04.02.2025 passed by the Sub-Divisional Officer and remand the matter back to the authority concerned. The authority concerned shall issue a fresh show cause notice strictly in compliance with the provisions of Rule 27(ii) of the Bihar Targeted Public Distribution System (Control) Order, 2016 duly giving an opportunity to the petitioner for filing his explanation within a stipulated time. In case the authority is relying on any inquiry report on statements of the beneficiaries the same shall also be enclosed along with the said show cause notice. After receipt of the explanation by the petitioner, the authority shall pass a reasoned order duly taking into account the explanation submitted by the petitioner. The entire exercise shall be completed as expeditiously as possible preferably within a period of 12 weeks from the date of receipt of a copy of this order.

5. It is needless to mention that before passing any order the petitioner shall be given an opportunity of hearing.



Any order passed shall be communicated to the party.

6. With the above directions, the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

Bhardwaj/-

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