

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18286 of 2024

Shiva Shhakti Paddy Mills Pvt. Ltd., through its Director Ranjeet Kumar Mahto, office at Village- Belwa (Khorwa), P.S.- Mushafir, District- Katihar (Bihar), aged about 28 Yrs, S/o Sri Narayan Prasad Mahto, resident of Village- Nakkipur, P.O.- Baijnathpur, P.S.- Korha, Town and District- Katihar (Bihar)

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Food and Civil Supply, Govt. of Bihar, Old Secretariat, Patna
2. District Magistrate, Katihar,
3. Chief General Manager, Bihar State Food Corporation, Daroga Ray Path, Patna
4. District Manager, Bihar State Food Corporation, Katihar.
5. District Co-operative Officer, Katihar

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Prasad Singh, Sr. Adv.
	:	Mr. Lallan Sharma, Adv.
	:	Mr. Vaibhav Veer Shankar, Adv.
	:	Mr. Arvind Kumar, Adv.
For BSFC	:	Mr. Shailendra Kr. Singh, Adv.
	:	Mr. Utkarsh, Adv.
For the Respondent/s	:	Mr. Abbas Haider, Standing Counsel (6)

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

7 11-07-2025 The present writ petition has been filed for the following relief(s):-

“1. That the instant writ application is being filed for issuance of writ of mandamus or any other writ/ writs, order/ orders, direction/ directions for setting aside order dated 06.11.2024 issued vide Memo No. 1373 dated 06.11.2024 passed by District Magistrate, Katihar whereby and where under the District Magistrate was pleased to black list the Petitioner from milling the procurement paddy in paddy procurement govt. scheme for five years starting from paddy procurement season 2024-25.”



2. After hearing the learned counsels at length, this Court has noticed that the DM, Katihar (respondent No. 2 herein) before passing the impugned order dated 06.11.2024 has not issued the notice containing the proposed punishment that was sought to be taken against him. Except stating that the authorities are going to take necessary action against him in accordance with law, no specific punishment is sought to be taken against the petitioner.

3. This Court as well as the Hon'ble Supreme Court in catena of cases has time and again held that whenever authorities are issuing a show cause notice, they are bound to give the details of the allegations against the said person and also the proposed punishment that they are likely to take against the said person. The reliance placed on the judgment of the Hon'ble Supreme Court reported in the case of *State Bank of India and Ors. Vs. Rajesh Agarwal and Ors.* reported in **2023 (6) SCC 01** and the judgment of the full Bench of this Court passed in CWJC No. 21202 of 2021 and analogous cases dated 26.09.2023 is not misplaced.

4. 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. ”

5. Having regard to the above, the impugned order dated 06.11.2024 is set aside. In case the authorities feel that any action needs to be taken against the petitioner, they shall issue the petitioner a show cause notice containing details of the violations, if any, and also the proposed punishment that the authorities want to take against him.

6. It is needless to mention that in case any fresh show cause notice is issued, the petitioner shall be given an opportunity of hearing and filing his explanation and thereafter, a reasoned order will be passed. Any orders passed shall be communicated to the petitioner.

7. With the above direction, the present writ petition stands allowed to the extent indicated.

(A. Abhishek Reddy, J)

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