

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19464 of 2018

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Shyam Bahadur Singh Son of Late Bishnu Deo Singh, Resident of Village-
Sagar Rai Ka Tola, Don Bujurg, Panchayat- Sarna, Police Station- Darauli,
District- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Department of Food and Civil Supply, Govt. of Bihar, Patna
2. The Commissioner, Saran Division at Chapra.
3. The District Magistrate, Siwan.
4. The Sub Divisional Officer, Siwan.
5. The Block Supply Officer, Darauli, District- Siwan.
6. The Supply Inspector, Darauli, Siwan.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	M/s N.K.Agrawal, Sr. Advocate Ms. Diksha Kumar, Kumar Rajdeep, Advocates
For the Respondent/s	:	Mr. Arvind Ujjwal- SC 4

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 03-09-2025

1. The petitioner has filed the Writ application for the following reliefs:

"1. To issue a writ in the nature of Certiorari to quash the order dated 16.07.2018 passed in Supply Revision Case No. 41 of 2017 (Shyam Bahadur Singh Versus State of Bihar) passed by the learned Commissioner, Saran Division, Chapra whereby and whereunder the appeal of the



petitioner has been rejected.

II. To hold and declare that the cancellation of the P.D.S. License No. 316/2007 (New No. 314/2016) by the learned S.D.O. Siwan is not sustainable in the eye of law.

III. To issue a writ in the nature of Mandamus to reinstate the said P.D.S. License of the petitioner and corresponding business of the P.D.S. in its original status.

IV. To grant any other reliefs to him for which he is entitled to have.”

2. The brief facts culled out of the petition are that the petitioner's PDS license No. 314/2016 (Old 316/2007) was cancelled by the Sub-Divisional Officer, Siwan without supplying the enquiry report or considering the show-cause reply filed by the petitioner. The cancellation was based on vague allegations that are not sustainable in the eyes of the law. Both the Appellate Authority and the Revisional Authority upheld the cancellation order passed by the Sub-Divisional Officer, Siwan, without considering the pleas or



submissions raised by the petitioner.

3. It is submitted by the Learned Senior Counsel for the petitioner that following an enquiry conducted by the Block Supply Officer, Guthni and Raghunathpur, the petitioner was served with a Show-Cause Notice bearing Memo No. 334 dated 20.08.2016(Annexure-3).

4. It is further submitted that the petitioner has submitted a reply to the said show cause notice enclosing a medical certificate and reference of the statement of beneficiaries.

5. It is also contended that Learned Sub-Divisional Officer, Siwan did not issued any second show cause nor extended an opportunity of examination of the material replied upon and proceeded to cancel the PDS license of the petitioner vide Memo No. 361 dated 29.08.2016 (Annexure-4).

6. Thereafter, the petitioner preferred Appeal Case No. 81 of 2016-17 before the Appellate Authority-cum-Collector, Siwan challenging the cancellation order dated



29.08.2016. The petitioner submits that the Appellate Authority, without duly considering the facts, circumstances of the case, as well as the submissions made by the petitioner, rejected the appeal by an order dated 21.02.2017 (Annexure-5). It is further submitted that against the order dated 21.02.2017, the petitioner filed a revision bearing Supply Revision No. 41 of 2017 before the Divisional Commissioner, Saran. However, the Revisional Authority rejected the revision by order dated 16.07.2018.

7. Heard the Learned Senior counsel Mr. N.K.Agrawal for the petitioner as well as the Learned counsel for the State.

8. At this juncture, the learned Senior Counsel for the petitioner contended that since this matter is squarely covered under the order dated 22.10.2024 passed in **CWJC No. 24590 of 2018 (Ram Naresh Thakur Vs. The State of Bihar & Ors.)** wherein this Court relied upon the order passed in **CWJC No. 12029 of 2021 2021 of 2021 (Ram Sumer Singh Versus The State of**



Bihar & Ors., this writ petition may also be disposed of on the same terms and conditions.

9. The Learned counsel for the respondent-State has not disputed the position as is existing in law.

10. Having regard to the submissions made by the Learned Senior counsel for the petitioner, the present writ petition stands allowed in terms of the aforesaid order passed in the case of **Ram Naresh Thakur (supra)**. Further, considering the fact that though the petitioner has raised the issue of non-supply of enquiry report in his show cause reply, the same was not addressed by the Sub-Divisional Officer, Siwan, this Court finds that such omission has resulted in violation of the Principles of Natural Justice inasmuch as the petitioner was denied adequate opportunity of filing a wholesome defence. Consequently, resulting the impugned order dated 29.08.2016 (Annexure-4), 21.02.2017 (Annexure-5) and 16.07.2018 (Annexure-6) unsustainable in law and are, hereby, quashed.



11 However, the matter is remanded back to the Sub Divisional Officer, Siwan to proceed afresh, strictly in accordance with law after granting due opportunity to the petitioner.

12. In result, Writ petition is allowed.

13. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.09.2025
Transmission Date	

