

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3323 of 2026

Ashok Kumar Choudhary @ Ashok Kumar S/o Krishna Lal Choudhary,
Resident of 322, Near Haweli Gali, Kayasth Toli, Takiyapar, P.S- Danapur,
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

Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Advocate.

For the Respondent/s : Mr. Government Pleader (22) with
Mr. Narendra Kumar Singh, AC to GP 22.

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

2 07-04-2026 This is the second round of litigation. On earlier occasion, this Court vide order dated 21.10.2024 passed in CWJC No. 9354 of 2024 has set aside the impugned order dated 03.05.2024 passed by the Sub-Divisional Officer-cum-Licensing Authority solely on the ground that the show cause notice issued to the petitioner was not in accordance with Rule 27(ii) of the Bihar Targeted Public Distribution System (Control) Order, 2016.

2. A perusal of the show cause notice dated



20.01.2025/22.01.2025 (Annexure P/9) in Memo No. 80 issued to the petitioner by the Sub-Divisional Officer-cum-Licensing Authority, Danapur, District-Patna (Respondent No. 3) reveals that even in their particular show cause notices, there is no proposal for cancellation.

3. A full Bench of this Court in CWJC No. 21202 of 2021 and analogues case 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.”

4. Having regard to the law laid down by this Hon’ble Court in the above mentioned case, the present CWJC is allowed. The impugned order dated 10.02.2025 passed by the Sub-Divisional Officer-cum-Licensing Authority, Danapur, District-Patna (Respondent No. 3) is set aside. The matter is again remanded back to the Sub-divisional Officer (Respondent No. 3) 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 also furnish a copy of the enquiry



report along with the Show Cause Notice to the petitioner and call for his explanation by giving reasonable time. The authority in the show cause notice shall specify the punishment that is proposed to be given for violation of the control order, if any.

5. 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 orders strictly in accordance with law duly taking into consideration the explanation submitted by the petitioner.

6. 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.

7. With the above directions, this Writ Petition is allowed to the extent indicated above.

(A. Abhishek Reddy, J)

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