

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8788 of 2025

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Guddu Kumar, S/o Ramsevak Sahni, Resident of Village- Virdipur, Arai P.S.-
Simari District- Darbhanga (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through its Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The Divisional Commissioner, Darbhanga.
3. The Collector cum District Magistrate, Darbhanga, Distt. Darbhanga.
4. The District Supply Officer, Darbhanga, Distt.- Darbhanga.
5. The Sub Divisional Officer, Sadar Darbhanga, Distt.- Darbhanga.
6. Sanjay Kumar Sahni, S/o Bikau Sahni, Resident of Village- Arai, P.S.- Simrai, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Madhav Kumar, Adv.
For the Respondent/s : Mr.Government Advocate (11)

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

8 08-07-2026 Heard learned counsel for the parties.

2. The present Writ Petition has been filled for the
following reliefs:-

“i) For issuance of appropriate writ/writs, order/orders, direction in the nature of certiorari for quashing the order passed vide memo no. 02 dated 16.01.2025 by the District Magistrate Cum District Collector, Darbhanga by which the order has been passed to cancel the license granted to the present petitioner and further vide same memo it has been recommended to issue the same license in the name of the Private Respondent no. 6 by violating the



direction by this Hon'ble Court.

(ii) Further for quashing the order passed by the Learned Divisional Commissioner Darbhanga in PDS Appeal no. 04/2023, where the order has been passed by the learned Divisional commissioner in arbitrary manner without following the direction of this Hon'ble Court passed in CWJC no. 18900/2018 dated 13.01.2023.

iii) Further for direction to the respondents not to to the Fair interfere the license and the supply Price shop of the petitioner under Public Distribution system bearing License no. 48/2018 till the further order.”

3. Learned counsel appearing on behalf of the petitioner submits that the Divisional Commissioner without putting the petitioner on prior show cause notice or granting him an opportunity of filing any show cause has passed the impugned order and has further directed for issuing license to the private Respondent No. 6. Learned counsel for the petitioner submits that the action of the Divisional Commissioner in passing the impugned order without issuing any show-cause notice to the petitioner or granting him an opportunity of hearing or submit his explanation is in violation of the principles of natural justice and equity. Learned counsel has, therefore, prayed that this Hon'ble Court to set aside the



impugned order and remand the matter back to the authority concerned for passing orders fresh duly putting the petitioner on notice and giving him an opportunity of hearing.

4. In the supplementary counter affidavit filed by the Respondent-State, at para 04 it is specifically stated as under:-

“04. That it is submitted that on perusal of case-record of PDS Appeal No. 04 of 2023, it appears that Notice has not been issued to the writ petitioner.”

5. Having regard to the above made submission, the impugned order dated 16.01.2025 passed by the District Magistrate cum District Collector, Darbhanga as well as the order dated 28.10.2023 passed by the Divisional Commissioner, Darbhanga are hereby set aside. The matter is remanded back to the authority concerned for passing orders afresh. The petitioner shall be given an opportunity to file his objections to the complaint filed by Respondent No. 6. Thereafter, both parties shall be given an opportunity of hearing and the authority concerned shall pass a reasoned order as expeditiously as possible, preferably within a period of 8 weeks from the date of receipt of a copy of this order. Any order passed shall be communicated to the



parties. As it is stated that the license which was originally issued in favour of the petitioner has been tagged to the private Respondent No. 6, the same shall be continued till the Divisional Commissioner passes the final orders.

6. It is made clear that this Court has not gone into the merits of the case and leaving all issues to be decided by the Divisional Commissioner.

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

(A. Abhishek Reddy , J)

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