

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16819 of 2025

=====

Mahesh Ram, Son of Mukh Lal Ram, resident of village- Maubehat, Ward No. 6, P.O. and P.S. - Manigachhi, District- Darbhanga, Pin Code- 847423.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Additional Secretary, Food and Consumer Protection Department, Bihar, Patna.
3. The Collector, Darbhanga.
4. The District Supply Officer, Darbhanga.
5. The Licensing Authority cum Sub-Divisional Officer, Sadar, Darbhanga.
6. The Block Supply Officer, Manigachhi, Darbhanga.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Kaushalesh Choudhary, Advocate.
For the Respondent/s : Ms. Binita Singh, SC 28 with
Mr. Ujjawal Bhushan, AC to SC 28.

=====

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

2 21-01-2026 Without going into the merits or demerits of the case, the present writ petition is disposed of at the stage of admission with the consent of both the Counsels.

2. Learned counsel appearing on behalf of the petitioner submits that the authority has issued the notice without complying with the provisions of the Bihar Targeted Public Distribution System (Control) Order, 2016 more particularly Rule 27(ii). Learned counsel has stated that the copy



of the enquiry report was also not given to the petitioner and there is no proposal for cancellation in the said show-cause notice issued to the petitioner. Further, it is stated that though the petitioner has given suitable reply to the authority to the said show-cause notice, the authority has called for the opinion of the Block Supply Officer and the said opinion of the Block Supply Officer was also not served to the petitioner and straightaway the authority has passed the impugned order of cancellation solely based on the opinion of the Block Supply Officer. Learned counsel has stated that the authority has not adverted to the explanation filed by the petitioner to the show-cause notice dated 12.03.2025, therefore, prays this Hon'ble Court to allow the present writ petition and set aside the entire proceedings.

3. Per contra, the learned counsel appearing on behalf of the Respondent-State has vehemently opposed the very maintainability of the present writ petition. Learned counsel has stated that the petitioner is having an effective and efficacious remedy of filing an appeal before the District Magistrate against the order of the Sub-Divisional Officer. Learned counsel has further stated that the petitioner may be directed to file a statutory appeal as provided under Section 32 of the Bihar



Targeted Public Distribution System (Control) Order and prayed for dismissing the present writ petition.

4. This Court in CWJC No. 253 of 2014 dated 11.03.2015 held as under:-

“In my opinion, irregularities in maintenance of notice board or maintenance of the stocks within the premises of the petitioner are too trivial and cannot form a basis for cancellation of licence. No doubt there were other serious charges against the petitioner regarding non-issuance of cash-memo to the consumers, distribution of lesser amount of kerosene oil and non-distribution of food- grains but surprisingly even while making such allegations, the names of such consumers who are dissatisfied by such action of the petitioner are conspicuously missing. The allegations are sweeping in nature without reference to any specific consumer.

In my opinion the non-supply of the enquiry report conducted by the District Level Committee which is the foundation for issuance of show cause notice placed at Annexure-1 as well as non-supply of names of such of the consumers who had complained against the petitioner as regarding the irregularities in distribution of the food-grains or the kerosene oil has prejudiced the petitioner to file his purposeful reply and in absence thereof, the order impugned in my opinion, are based on no materials.



Though it was strenuously argued by Mr. Pandey that in absence of any response by the petitioner the allegations would be deemed to have been admitted but in my opinion even if the show cause reply was missing, the orders passed by the statutory authorities having civil consequences and resulting in cancellation should reflect application of mind. Unfortunately it is grossly missing inasmuch as neither the order of the Licensing Authority nor the order of the appellate authority deal with the materials which formed the basis to drive home the charges. The orders impugned are indefensible and cannot be upheld.”

5. Further 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.”

6. A perusal of the show-cause notice issued to the petitioner does not reveal that the copy of the enquiry report was enclosed along with the show-cause notice and that there is no proposal of the action sought to be taken against the petitioner.



7. Having regard to the above facts and circumstances and the law laid down by this Hon'ble Court, the present CWJC is allowed. The impugned order dated 09.09.2025 in Memo No. 716 passed by the Licensing Officer-cum-Sub-Divisional Officer, Sadar Darbhanga is set aside. The matter is remanded back to the Sub-Divisional Officer 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.

8. 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.

9. 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.

10. With the above directions, this Writ Petition stands
allowed to the extent indicated.

(A. Abhishek Reddy, J)

shakir/-

U			
---	--	--	--

