

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.148 of 2026

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Sonu Kumar, S/o Kankir Yadav, Resident of Village- Maina, Ward No.01, P.S-
Kash Nagar (Sonbarsa), District- Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Collector-cum-District Magistrate, Saharsa.
3. The Sub-Divisional Officer, Sadar, Saharsa.
4. The Block Supply Officer, Sonbarsa, Dist. Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Adv. Mr. Dhananjaya Nath Tiwari, Adv. Mr. Kumar Rajdeep, Adv.
For the Respondent/s	:	Mr.Standing Counsel (21)

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

2 19-02-2026 Heard the learned counsels for the parties.

2. This writ petition has been filed for seeking the
following relief(s)

“(i) For issuance of appropriate writ/writs,
order/orders, direction/directions in the
nature of certiorari for quashing the order
contained in Memo No. 1944-2 dated
25.09.2025 passed by the Sub-Divisional
officer-cum-Licensing Authority, Sadar,
Saharsa by which he was pleased to cancel
the PDS license of the petitioner being
License No. 434/2016 Code 121400200110



on the basis of show cause notice where there is no stipulation of proposed punishment of cancellation and as such the order impugned is bad and illegal and fit to be set aside.

(ii) For issuance of appropriate writ/writs, order/orders, direction/directions to the competent authority for correction in the epos machine of the food grains which was never physically handed over to the petitioner and the same is showing on the epos machine of the petitioner.

(iii) For any relief/reliefs for which the petitioner is entitled in the eye of law.”

3. Learned counsel appearing on behalf of the petitioner assails the impugned order passed by the Respondent No. 3, i.e, the Sub-Divisional Officer on the following grounds.

I. That there is no proposal of cancellation as envisaged under Rule 27(2) of the Bihar Targeted Public Distribution System (Control) Order, 2016.

II. That the authority has granted only 24 hours to the petitioner to file his explanation and the copy of the inquiry report has not been furnished to the petitioner.

4. Further it is stated that the copy of the 2nd



inquiry report has also not been furnished to the petitioner and only 24 hours has been granted to the petitioner to file his explanation. Counsel submits that the petitioner has submitted his explanation to the second show cause notice dated 04.09.2025, however, the authorities, except for stating that the said explanation is not satisfactory, have not passed a reasoned orders. Learned counsel submits that, in view of the judgment dated 26.09.2023 passed by the Full Bench of this Hon'ble Court in CWJC No. 21202 of 2021 and analogous cases, the impugned order is liable to be set aside and the matter remanded back to the concerned authorities for issuance of a fresh show cause notice along with a copy of the inquiry report, and for granting sufficient time to the petitioner to file his explanation, and thereafter to pass a reasoned orders.

5. Per contra, the learned counsel appearing on behalf of the respondents-State has vehemently opposed the very maintainability of the writ petition. Learned counsel submits that the petitioner is having an alternative and effective remedy of filing an appeal before the appellate authority but the petitioner without availing the same has straightaway approached this Hon'ble Court which is not permissible. Counsel submits that the present writ petition may be disposed



of by directing the petitioner to approach the appellate authority.

6. 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. ”

7. Admittedly as seen from the record, the initial inspection of the shop of the petitioner has taken place on 19.05.2025 and thereafter, a show cause notice was issued to the petitioner vide memo no. 1068-2 dated 16.06.2025 (Annexure P/1). A perusal of the same reveals that the respondent authorities have granted only 24 hours to the petitioner to file his explanation and further there is no proposal for cancellation of the PDS license of the petitioner. Thereafter the authorities have inspected the PDS shop of the petitioner on 04.09.2025 and the show cause notice was issued on the very same day (Annexure P/2) to which the petitioner has made his explanation on 18.09.2025 (Annexure P/3). However, the impugned order dated 25.09.2025 (Annexure P/4) merely states that the



explanation submitted by the petitioner is not satisfactory. Further, it is to be noted that even in the second show cause notice there is no proposal for cancellation of the PDS license of the petitioner.

8. Having regard to the above facts and circumstances and also duly taking into account the Judgment of the Hon'ble Court passed in CWJC No. 21202 of 2021 and analogous cases, the impugned order dated 25.09.2025 passed by the Sub-Divisional Officer 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, duly enclosing the copy of the inquiry report relies by them and also the statements of the beneficiaries if any. The authorities shall grant ample opportunity to the petitioner to file his explanation preferably within a period of 10 days from the date of the receipt of the show cause notice. On receipt of the explanation submitted by the petitioner, the authority concern shall pass a reasoned order giving the reasons either for accepting or rejecting 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, the present writ petition stands disposed of.

(A. Abhishek Reddy , J)

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