

(2021) 02 PAT CK 0199

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 17740 Of 2019

Sanjay Kumar Yadav

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 18-02-2021

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2021) 02 PAT CK 0199

Hon'ble Judges : Rajendra Kumar Mishra, J

Bench : Single Bench

Advocate : Rajeev Kumar Labh, Arvind Ujjwal

Final Decision : Allowed

Judgement

1. Heard learned counsel appearing for the petitioner and the learned counsel appearing for the respondents.

2. The petitioner has preferred the present writ petition, under article 226 of the Constitution of India, to quash the order dated 30.07.2019 (Annexure

1) passed by the Licensing Authority-cum-Sub-Divisional Officer, Sadar, Darbhanga, whereby the Sub-Divisional Officer, Sadar, Darbhanga,

cancelled the licence of PDS Shop No. 27 of 2016 of the petitioner.

3. Learned counsel for the petitioner submits that the show cause notice dated 27.07.2019 was issued by the Sub- Divisional Officer, Sadar,

Darbhanga (respondent no.3) to the petitioner directing him to file reply to the show cause within a week to the effect as to why the license of PDS

shop of the petitioner should not be cancelled. Learned counsel appearing for the petitioner, further, submits that the Sub-Divisional Officer, Sadar,

Darbhanga (respondent no.3) issued show cause to the petitioner to file his reply within a week but the licence of PDS shop of the petitioner was

cancelled on 30.07.2019 without giving proper opportunity and awaiting one week to file reply to the show cause by the petitioner, which would appear from Annexure 1 of the petition.

4. The record shows that the Licensing Authority-cum-Sub-Divisional Officer, Sadar, Darbhanga (respondent no. 3) issued notice through memo no.

377 dated 27.07.2019 to the petitioner to file his reply to the aforesaid show cause within a week but the licence of PDS shop of the petitioner was

cancelled without giving opportunity to the petitioner to file his reply within the stipulated period. As such, the order dated 30.07.2019 passed by the

Licensing Authority-cum-Sub-Divisional Officer, Sadar, Darbhanga, (respondent no.3), cancelling the PDS shop no. 27 of 2016 of the petitioner, is

quashed with a direction to the respondent no. 3 to issue fresh show cause notice and pass appropriate order in accordance with law after giving

proper opportunity to the petitioner to file reply to the show cause.

5. Accordingly, this writ application stands allowed.