

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18191 of 2018

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Ram Gopal Choudhary S/o Late Dukha Choudhary, Resident of Jolhania
Ward No.-6, P.S.-Pipra, District-Supaul.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Department of Food & Consumer Protection, Government of Bihar, Patna
2. The District Magistrate-Cum-Collector, Supaul.
3. The Sub Divisional Officer, Supaul.
4. The Block Supply Officer, Pipra, Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	M/s N.K.Agrawal. Sr. Advocate Kumar Rajdeep, Advocate
For the State	:	Mr.S. Raza Ahmad- AAG 5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY

ORAL JUDGMENT

Date : 07-10-2025

1. The petitioner has filed the Writ application for the following reliefs:

“For setting aside the order contained in memo no. 93-2 dated 01.04.2011 by which the PDS license of the petitioner has been cancelled and for quashing the order dated 21.08.2012 passed in Supply Appeal Case No. 46 of 2011 by the learned Collector-cum-District Magistrate, Supaul by which the statutory appeal filed on behalf of the petitioner has been



dismissed and further for quashing the order dated 04.07.2018 passed in Supply Revision Case No. 441 of 2012 passed by the learned Commissioner, Koshi Division, Saharsa by which the revision filed on behalf of the petitioner was disposed of holding there is no point in reviving the issue and further be pleased to restore the license and supply of the petitioner."

2. The Learned Senior Counsel Mr. N.K.Agarwal, appearing for the petitioner submitted that the Sub-Divisional Officer-cum-Licensing Authority, Supaul, vide order dated 01.04.2011, cancelled the PDS license of the petitioner solely on the ground that the petitioner failed to submit his explanation to the show cause notice within the stipulated time. It was contended that the Sub-Divisional Officer did not consider the matter on merits but passed the order in a mechanical manner.

3. The petitioner challenged the said



order dated 01.04.2011 by filing a statutory appeal before the Collector-cum-District Magistrate, Supaul, which was dismissed vide order dated 21.08.2012. Thereafter, the petitioner preferred a revision before the Divisional Commissioner, Koshi Division, Saharsa, which was disposed of vide order dated 04.07.2018 on the ground that after a lapse of eleven years, the vacancy has been filled, and thus, there was no point in reviving the issue.

4. At this stage, Learned Senior Counsel for the petitioner, Mr. N.K. Agarwal, relied upon the decision of the Division Bench of this Hon'ble Court passed in **L.P.A. No. 861 of 2004 (Yogendra Prasad Vs. The State of Bihar & Ors.)** dated 06.09.2004, (Annexure-5) wherein it was held that even if the license holder does not file any explanation to the show cause notice, the authority concerned is legally bound to pass an order on merits. Accordingly, the Learned Senior counsel prayed that the impugned orders be set aside and the matter be remanded back to the authority concerned for fresh consideration on merits.



5. The Learned counsel appearing for the respondents, while conceding to the judgment referred to above, stated that he had no objection to setting aside the impugned orders and remanding the matter to the authority for fresh consideration on merits.

6. Having regard to the submissions and the law laid down by the Division Bench in **Yogendra Prasad (supra)**, this Court sets aside the impugned orders dated 01.04.2011 (Annexure-2), 21.08.2012 (Annexure-3), and 04.07.2018 (Annexure-4). The matter is hereby remanded to the Sub-Divisional Officer, Supaul (Respondent No. 3) for passing a reasoned order afresh strictly on merits. The authority concerned shall give an opportunity to the petitioner to file his explanation and thereafter pass a fresh order taking into consideration the explanation submitted by the petitioner.

7. It is needless to mention that before passing any order, the petitioner shall be given a fair opportunity of hearing. The entire exercise



shall be completed as expeditiously as possible, preferably within a period of three months from the date of receipt of a certified copy of this order. Any order passed shall be communicated to the petitioner forthwith.

8. With the above directions, the present writ petition stands disposed of to the extent indicated above.

9. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.10.2025
Transmission Date	

