

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16759 of 2014

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Ram Pravesh Sharma Son of Charitar Singh resident of village- Khidarpur
Dhuria, P.S.- Jehanabad, District- Jehanabad Petitioner

Versus

1. The State of Bihar
 2. The District Magistrate cum Collector, Jehanabad
 3. The Sub Divisional Officer, Sub-Division- Jehanabad, District-
Jehanabad
 4. The Block Supply Officer Block- Jehanabad, District- Jehanabad
 5. The Block Supply Officer Block- Ghoshi, District- Jehanabad
- Respondents
- =====

Appearance :

For the Petitioner/s : Sushmita Mishra, Advocate and
Mr. SN Sah, Advocate

For the Respondent/s : Mr. S. Kumar, AC to GA7

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**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA
PRATAP SINGH**
ORAL ORDER

4 24-11-2015 The petitioner seeks quashing of order dated 7.2.2014, passed by the Sub Divisional Officer, Jehanabad cancelling his PDS license bearing License no. 51 of 2007 (old license no. 07/85) which was affirmed vide order dated 14.7.2014 in appeal by the District Magistrate, Jehanabad.

The petitioner was issued show cause notice on 25.11.2013 as to why her license be not cancelled on the ground of various irregularities found in the enquiry report dated 17.11.2013. The petitioner filed show cause reply to the same (Annexure 4). The Licensing authority after hearing the parties cancelled the license vide order dated 7.2.2014 (Annexure 2). Being aggrieved, the petitioner challenged the same before the

Collector, Jehanabad too was rejected.

The petitioner submits that the Licensing authority as traversed beyond the grounds mentioned in show cause notice while cancelling his PDS license. The petitioner submits that the impugned order dated 7.2.2014 also took into consideration the enquiry report of the Block Supply Officer, Jehanabad contained in Letter no. 28 dated 6.2.2014 while cancelling the licence.

The State in its counter affidavit has nowhere stated that the copy of enquiry report dated 6.2.2014 formed part of the show cause notice.

On perusal of records I find that the Licensing authority considered the enquiry report along with show cause, which had not been served on the petitioner. In that view of the matter, the impugned orders are set aside and the matter is remitted to the respondents to proceed in accordance with law. There would be no resumption of supply until final orders in the matter by the Licensing authority, as the petitioner has succeeded only on technical ground. Now, the petitioner is aware of the enquiry report dated 6.2.2014, so he is at liberty to submit his reply.

The writ petition is thus disposed of.

(Samarendra Pratap Singh, J)

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