

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11420 of 2013

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1. Dhaneshwar Paswan Son Of Yogi Paswan Resident Of Village- Birua,
P.O. And P.S.- Pauthu, District- Aurangabad (Bihar)

.... Petitioner/s

Versus

1. The State Of Bihar
2. The Collector, Aurangabad
3. The S.D.M., Aurangabad.
4. The Block Supply Officer, Rafiganj, Aurangabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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

3 20-08-2015

The Petitioner is a P.D.S. Dealer holding License No.

4/R/97 in the Block which was within Rafiganj, District Aurangabad. The petitioner seeks quashing of the order, dated 28.8.2007 passed by the Sub-Divisional Officer, Aurangabad which was affirmed in appeal by order, dated 21.10.2011 passed by the Collector, Aurangabad in P.D.S. Case No.4/2008

The petitioner submits that the show cause issued to him is based on as many as three allegations. In nut-shell the allegations are that the petitioner has not been distributing the Kerosene oil every month rather he was distributing the same in alternate month only. Furthermore, he is not having a shop at notified place but at a different place at his Sasural in village Birua.

The petitioner further submits that show cause was issued without supplying a copy of the inspection report.

Learned State counsel submits that gist of allegations was mentioned in the show cause and as such non-supply of the inspection report would not cause any prejudice to the petitioner.

In the instant case though the nature of allegations are mentioned in the show cause, the names of the complainants are not mentioned in the show cause. In my view, a copy of the inspection report ought to have been given to the petitioner to file an effective reply.

Now that petitioner is aware from the order of the Licensing Authority as to the names of the consumers who had made complaint against him, he would file his show cause before the licensing authority within a period of four weeks from today, which would be considered on its own merit without being prejudice. The impugned order, dated 28.8.2007 passed by the Licensing Authority, S.D.O., Aurangabad as well as Appellate order, dated 21.10.2011 passed by the Appellate Authority are set aside. However, no supply would be resumed to the petitioner till adjudication of the matter by the licensing authority.

(Samarendra Pratap Singh, J)

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