

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 6378 of 2016

Md. Imran Alam, S/o Shamsad Alam, Resident of Prasadpur Domaria,
P.S. Mahalgaoon, District- Araria.

.... Petitioner/s

Versus

1. The State of Bihar through the Collector, Araria.
2. The Collector, Araria.
3. The Addl. Supply Officer, Araria.
4. The Sub Divisional Officer, Araria.
5. The Block Supply Officer, Jokihat, Araria.

.... Respondent/s

Appearance :

For the Petitioner : Mr. N. K. Agrawal, Sr. Adv.

: Mr. Dhananjaya Nath Tiwari, Adv.

For the Respondents: Mr. Mithilesh Kumar Uapdhay, AC to GP 3.

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 09-11-2016

Heard learned counsel for the petitioner and the
State.

The petitioner is aggrieved with the order dated
28.01.2016 passed by the Licensing Authority-cum-Sub-
divisional Officer, Araria as contained in Annexure-3, by
which the License No. 2J/2009 granted for running the fair
price shop of the petitioner has been cancelled.

It is contended that the show cause notice, which has
been appended as Annexure-1, as well as the impugned order



is based upon inquiry report, copy of which was never furnished to the petitioner. With respect to charge no. 3, it is stated that the petitioner was not given any inquiry report or the copies of the statement of any allegation made by any beneficiary so he could not take proper stand before the authority concerned. The Inquiry Officer in his report has stated that several beneficiaries have made complaint against the petitioner of selling the food grains and kerosene oil on the higher rate but copies of such complaints were never served. A reference in this regard is made to a decision rendered by this Court in the case of **Brahmdeo Rai vs. The State of Bihar & Ors. [2013 (2) PLJR 706]**.

It is no longer *res integra* that non-supply of copies of the inquiry report and statements made by the beneficiaries against the dealers would not only violate the principle of natural justice but also violate the provisions contained in Clause 7(II) of Public Distribution System (Control) Amendment Order, 2011. In absence of supply of such documents, it cannot be held that reasonable opportunity was given to the concerned PDS dealer before examining the licence.

Accordingly, this writ application is allowed and the

impugned order dated 28.01.2016 as contained in Annexure-3 is, hereby, set aside.

However, the matter is remitted back to the Licensing Authority for furnishing the inquiry report and the copies of the complaints, if any, made against the petitioner by the beneficiaries. The petitioner would be at liberty to file a fresh reply within a time prescribed by the Licensing Authority then a final order would be required to be passed by the Licensing Authority considering the grounds raised by the petitioner in his reply.

It is expected that entire exercise would be completed within a period of three months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J.)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.12.2016
Transmission Date	NA