

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.1586 of 2015**

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Ram Khelawan Paswan S/o Late Dasu Paswan, R/o village- Manmadho, P.S. Wajirganj, District Gaya

.... .... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna
3. The District Magistrate, Gaya, District-Gaya.
4. The Sub Divisional Officer cum Licensing Authority, Sadar Gaya, District Gaya
5. The District Supply Officer, Gaya District- Gaya
6. The Block Supply Officer, Wajirganj, District- Gaya

.... .... Respondents

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**Appearance :**

For the Petitioner : M/s. Shardanand Mishra,  
Dhananday Kr. Gupta, Deepak Kumar, Advocates  
For the State : Mr. Ratnakar Ambastha, A.C. to G.P. 13

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**CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN**

**ORAL JUDGMENT**

**Date: 15-03-2016**

Heard parties.

Petitioner is aggrieved by the order dated 29.03.2012 (Annexure 5) passed by the Sub-Divisional Officer-cum-licensing authority, Sadar Gaya by which his licence granted for running PDS shop bearing 1/2010 has been cancelled. He also challenges the appellate order which has been appended as Annexure 8 dated 27.11.2014 by which appeal has been dismissed after upholding the order passed by the licensing authority.

Sole ground raised by the petitioner in this case is that the

show cause notice and the order impugned is based upon inquiry conducted by the Block Supply Officer on 10.09.2011 as well as on the basis of certain complaints made by the beneficiaries but none of the aforesaid documents were ever supplied to the petitioner before taking a final decision in the matter.

Records were called for by this Court on the aforementioned issues raised on behalf of the petitioner.

Learned counsel for the State has fairly stated that it does not appear from the record that copies of the inquiry report and the complaints of the beneficiaries were served upon the petitioner.

The issue is no longer *res integra* as this Court in **Brahmdeo Rai Vs. State of Bihar and Others [ 2013 (2) PLJR 706]** has held that unless a copy of the inquiry report and the complaints made by the beneficiaries are made available along with the show cause notice, it cannot be held that the reasonable opportunity was ever given to the licensee by the Licensing Authority for submitting his case in terms of Clause 7(ii) of the Public Distribution System (Control) Order, 2001.

Accordingly, this writ application succeeds on the aforesaid ground. The impugned orders are quashed and set aside. However, the matter is remitted back to the Licensing Authority to supply copies of the complaints as well as inquiry report and grant

another opportunity to the petitioner to file reply to the show cause notice and, thereafter, take a fresh decision in accordance with law.

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

This is further made clear that this order does not mean that there would be automatic resumption of supplies to the petitioner as the same would depend upon the final order which would be passed by the authority.

**(Dr. Ravi Ranjan, J)**

Sanjay-II/-

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