

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

**Civil Writ Jurisdiction Case No.2725 of 2014**

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Vijay Kumar, Son of Late Shri Ram Singh, Resident of Village - Kusherhi, Police  
Station - Barbiga, District - Sheikhpura

.... .... Petitioner

Versus

1. The State of Bihar through the Secretary, Food and Civil Supply Department,  
Patna
2. The S.D.O., Sheikhpura
3. The Executive Officer, Sheikhpura

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Vijay Anand, Advocate  
For the State : Mr. Shashi Shekhar Pd. Sinha, A.C. to G.A. 6

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

**ORAL JUDGMENT**

**Date: 06-12-2016**

Heard parties.

Sole ground raised by the petitioner at the time of  
hearing for assailing the impugned order as contained in Annexure 3  
passed by the Sub-Divisional Officer-cum-Licensing authority,  
Sheikhpura is that show cause notice was issued upon the petitioner  
without appending a copy of the inquiry report which forms the basis  
of the show cause notice as also the impugned order cancelling PDS  
licence of the petitioner.

In the counter affidavit, a stand has been taken that copy



of the inquiry report was not served but a gist of that has been stated.

In my view, such stand is erroneous and noted only for the purpose of rejecting. Once inquiry has been held and statements of the beneficiaries made against the petitioner were recorded, the Licensing Authority was required to serve a copy of the inquiry report as well as the copies of the complaints made by the beneficiaries to the petitioner so that an effective reply could be filed by him. The issue is no longer *res integra* having been considered in several cases. A reference in this regard is made to one of the decisions of this Court rendered in **Brahmdeo Rai Vs. the State of Bihar and Others [2013 (2) PLJR 706]**.

Accordingly, the impugned order, as contained in Annexure 3, is quashed and set aside. The matter is remitted back to the Licensing Authority to first serve copies of the inquiry report as well as complaints made by the beneficiaries and grant another opportunity to the petitioner to file effective reply to the show cause notice. Before taking a final decision, the grounds raised by the petitioner in his reply should be considered by the Licensing Authority.

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



This writ application stands allowed to the extent as indicated above.

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

Sanjay-II/-

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