

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1990 of 2014

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Khairun Khatoon @ Khairul Khatoon, W/O Sakur Rayeen, Resident of Mohalla-Bispatti Chhota Tola, P.S.- Sursand, District- Sitamarhi

.... Petitioner

Versus

1. The State of Bihar through the Collector, Sitamarhi
2. The Collector, Sitamarhi
3. The Sub Divisional Officer, Pupari, Sitamarhi
4. The Block Supply Officer, Pupari, Sitamarhi

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Advocate
For the Respondent/s : Mr. Anjani Kumar, AAG-4
Mr. Sanjay Prasad, AC to AAG-4

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 06-12-2016

Heard parties.

The petitioner seeks quashing of the order dated 13.06.2013, as contained in Annexure-1, passed by the Sub-Divisional Officer-cum-Licensing Authority, Pupri, Sitamarhi by which his PDS Licence No.05/2008 has been cancelled.

A ground has been taken by the petitioner that the order impugned is not sustainable in view of the fact that a copy of the enquiry report, which forms the basis of issuance of show cause notice (Annexure-2) as well as the impugned order (Annexure-1), was never supplied to the petitioner.

Counter affidavit has been filed on behalf of the State



taking a stand that since everything was disclosed in the show cause notice, therefore, it was not found necessary to attach the copy of the enquiry report with the show cause notice.

It is well settled that if a show cause notice is issued to a PDS dealer by the licensing authority on the basis of statement of consumers/beneficiaries attached or on the basis of enquiry made by the authority then the copies of same should be supplied along with the show cause notice so that proper reply could be made by the licensee. Unless that is done, the proceeding has to be held to be in violation of the principles of natural justice and also in violation of mandatory provision under Clause 7(ii) of the Public Distribution System (Control) Order, 2001. A reference in this regard is made to a decision rendered in C.W.J.C. No.6388 of 2013 (Krishna Kumar Srivastava Vs. The State of Bihar and Ors.).

Accordingly, in my view, the order impugned, as contained in Annexure-1 dated 13.06.2013, is not at all sustainable in the eye of law and, as such, the same is quashed and set aside.

As a result, this writ application stands allowed.

However, the matter is remitted back to the Licensing Authority with a direction to first supply copies of the enquiry report and the complaint of beneficiary, if any, and then grant another opportunity to the petitioner to file reply to the show cause notice. If



the petitioner files such reply within the time granted by the licensing authority then final order should only be passed after considering the grounds which would be raised by the petitioner in his reply.

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.

(Dr. Ravi Ranjan, J)

V.K. Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	12.02.2017
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