

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12924 of 2017

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Md. Anzarul Hassan @ Anzarul Hassan son of Late Alam, resident of Village-
Bharathi Tola Manihas, P.S.- Singhwara, District- Darbhanga.

.... Petitioner

Versus

1. The State of Bihar, through the Commissioner of Darbhanga Division,
Darbhanga.
2. The District Magistrate, Darbhanga.
3. The Sub Divisional Officer 'Sadar', Darbhanga.
4. The Block Development Officer, Singhwara Block of Darbhanga.
5. The Circle Officer, Singhwara Anchal of Darbhanga.
6. The Supply Officer Singhwara Block of Darbhanga.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar Jha, Advocate.

For the Respondents : Mr. Sanjay Kumar Giri, GP-9

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 22-12-2017

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The present writ petition has been filed for the
following reliefs:

“(i) For setting aside the order of respondent no. 1
passed on 20.07.2017 in P.D.S. Revision Case No.
05/2017 whereby and whereunder the respondent no. 1
(Commissioner) refused the prayer of petitioner merely
on the basis of mechanical manner and as such in toto
the order of respondent no. 2 (D.M., Darbhanga) passed
on 24.04.2015 by which respondent no. 2 affirmed the
order dated 18.03.2014 of the respondent no. 3 (S.D.O.)
passed in P.D.S. Case No. 01/2014 whereby the licence
of P.D.S. of petitioner has been cancelled.



(ii) For issuance of direction to the concerned respondent authorities to restore the P.D.S. licence of petitioner bearing license no. 24/2007 which has been granted by the competent authority after following proper norms for the Gram Panchayat Raj Bharathi of Singhwara Block of Darbhanga.

(iii) For issuance of direction to the concern respondent do not have un-necessary disturb the P.D.S. license of petitioner under the political influence.”

3. Learned counsel for the petitioner makes a short submission to assail the impugned order on the ground that a copy of the enquiry report was not made available to the petitioner and he was never confronted with the same with an opportunity of being heard or adducing evidence in that regard. A specific stand has been taken in paragraph-7 of the writ petition that the impugned order of cancellation of licence has been passed without providing a copy of the enquiry report to the petitioner, though the same has been relied upon in the impugned order. Such infirmity could not be cured in the appeal as well.

4. Learned counsel for the respondents appears and has been heard. The stand of the petitioner with regard to non-supply of enquiry report has not been controverted, as no counter affidavit has been filed till date.

5. In the above view of the matter, this Court is satisfied that non-supply of the enquiry report to the petitioner has resulted in violation of natural justice and thus the decision making process stands



vitiated. The impugned revisional order dated 20.07.2017 passed in P.D.S. Revision Case No. 05/2017 (Annexure-6), the appellate order dated 24.04.2015 passed in P.D.S. Appeal No. 24/2015 (Annexure-4) as well as the impugned order of cancellation dated 18.03.2014 passed in P.D.S. Case No 01/2014 (Annexure-3) are hereby quashed and the matter remanded to the Sub-Divisional Officer, Sadar, Darbhanga for taking decision afresh in the matter after supplying a copy of the enquiry report to the petitioner and granting an opportunity of hearing in accordance with law. Supplies to the petitioner shall be restored without delay until fresh orders are passed by the respondent no. 3.

6. It is made clear that in case the stand of the petitioner denying receipt of the enquiry report prior to order of cancellation being passed is found to be incorrect, the respondents shall be at liberty to approach this Court for recall of this judgment.

7. The writ petition stands allowed as above.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	02.01.2018
Transmission Date	N.A.

