

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 10104 of 2016

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Raj Karan Sah son of Sri Ram Gyan Sah resident of village Belahiyan
Sultan, Police Station Tariyani, District Sheohar.

.... Petitioner.

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
3. The District Magistrate, Sheohar.
4. The District Supply Officer, Sheohar.
5. The Sub Divisional Officer, Sheohar.
6. The Circle Officer-cum-Incharge Block Supply Officer, Tariyani Block, Sheohar.

.... Respondents.

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar Singh, Adv.

For the Respondents: Mr. Chittaranjan Sinha, PAAG-2

: Mr. Uday Shankar Saran Singh, GP-19.

: Mr. Shailendra Kumar, AC to PAAG-2.

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 23-02-2017

Heard learned counsel for the petitioner and the
State.

Petitioner seeks quashing of Annexure-4 which is an
order dated 30.01.2016 by which the Sub-divisional Officer-cum-
Licensing Authority, Sheohar has cancelled the PDS licence no.
30/95 of the petitioner. He also assails the order dated 07.06.2016
passed by the District Magistrate, Sheohar, as contained in
Annexure-6 by which he has dismissed the appeal and upheld the



order passed by the licensing authority.

Sole ground taken on behalf of the petitioner is that the order is based upon inquiry report and the statement made by the beneficiaries against the petitioner but neither the copies of the statements of the beneficiaries nor the copy of the inquiry report was supplied to the petitioner along with the show cause notice.

From the counter affidavit filed today, it is apparent that the copy of the inquiry report was never served upon the petitioner.

The issue is no longer *res integra* having been considered and decided by this Court in Brahmdeo Rai vs. The State of Bihar & Ors. [2013(2) PLJR 706]] holding that non supply of the copy of the inquiry report and the statement of the charges leveled by the beneficiaries to the petitioner would lead to a situation where it can safely be construed that principle of natural justice has been violated.

Accordingly, this writ petition stands allowed. The impugned orders, as contained in Anneuxre-4 and 6 are quashed and set aside.

The matter is remitted back to the licensing authority to first supply copy of the inquiry report to him and copies of the complaints made by the beneficiaries, if any, and, thereafter,



grant reasonable opportunity to the petitioner once again to file a reply. Thereafter, the licensing authority would be required to pass fresh order considering the grounds raised by the petitioner in reply. However, the petitioner would also have to cooperate in the matter. He should appear on the dates fixed failing which the authority concerned would be at liberty to proceed even in his absence. The order should be speaking and reasoned one.

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

It is made clear that if the decision is not taken within the aforesaid period after production of a copy of this order without any fault on the part of the petitioner then his licence would automatically stand restored, however, such restoration would be subject to the final order to be passed by the licensing authority.

Personal appearance of the Sub-divisional Officer, Sheohar is dispensed with.

(Dr. Ravi Ranjan, J.)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.05.2017
Transmission Date	NA

