

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11485 of 2016

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Bir Bahadur Singh, son of Mohan Singh, Resident of Village- Kirani -Police
Station Nawa Nagar, District Buxar

.... Petitioner

Versus

1. The State of Bihar, the Principal Secretary, Department of Food and Civil
Supply Govt. Bihar, Patna
2. District Magistrate, Buxar
3. Sub-Divisional Officer, Dumraon, Buxar
4. District Supply Officer, Buxar
5. Block Supply Officer, Kesath
6. Block Supply officer, Simari

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Ram Prawesh kumar, Adv.

Mr. Ashok Kumar, Adv.

For the Respondent/s : Mr. Nagendra Prasad yadav, S.C.23

Mr. Raohit Mishra, A.C. to S.C.23

Mrs. Vijaya Lakshmi Srivastava, A.C. to S.C.23.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 26-04-2017

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

2. In this case, the petitioner is challenging the order of
the District Magistrate, Buxar dated 07.06.2016 passed in Supply
Case No. 93 of 2013, whereby and whereunder the District
Magistrate, who is the appellate authority, has affirmed the order of
the Sub-Divisional Officer, Dumraon dated 19.07.2013, by which



the P.D.S. licence of the petitioner was cancelled.

3. Admittedly, the petitioner is running a P.D.S. shop. An inquiry was conducted, having found that the petitioner was running the P.D.S. shop in irregular manner and on receipt of the inquiry report a show-cause notice dated 11.7.2013 was served upon the petitioner, calling him to file explanation. The petitioner has filed his explanation.

4. The Sub-Divisional Officer, Dumraon has quoted all the allegations mentioned in the show-cause, by order dated 19.07.2013, in real substance, in one line order, cancelled the P.D.S. licence of the petitioner, which became subject matter of appeal before the District Magistrate, Buxar in Supply Case No.93 of 2013. The District Magistrate, Buxar vide order dated 07.06.2016 affirmed the order of the Sub-Divisional Officer, without dealing with the objection raised by the petitioner and without discussing the contents of inquiry report, but reiterated what has been stated by the Sub Divisional Officer.

5. Learned counsel for the State has submitted that even the order is non-speaking one, but if the inquiry report has been served upon the petitioner, then in that circumstance, this Court



should refuse to interfere with the order of the District Magistrate as well as the Sub Divisional Officer.

6. In paragraph No.10 of the counter affidavit it has been stated that the petitioner was served with the show cause notice along with the copy of the inspection report vide Memo No.495/Supply dated 11.07.2013, but in paragraph No.29 of the counter affidavit, which is the reply of paragraph No.25 of the writ application, where the petitioner has specifically stated that no inquiry report was served on him, is completely silent on this point.

7. The order of the Sub-Divisional Officer is completely non-speaking one, showing that, in reality, he has passed only one line order, nothing more than that. The order of the District Magistrate is not better than the order of the Sub Divisional Officer but does qualify the test of reasoned order, which is the part of natural justice.

8. In such view of the matter, the impugned order dated 07.06.2016 passed by the District Magistrate, Buxar and the order dated 19.07.2013 passed by the Sub Divisional Officer, Dumraon, are quashed. The matter is remanded back to the District Magistrate, Buxar to pass fresh reasoned order after serving the copy of the



inquiry report and after giving adequate opportunity of hearing to the petitioner.

9. This Court makes it clear that the licence of the petitioner is not revived. Revival of licence of the petitioner will be subject to final decision of the appellate authority.

10. With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	02.05.2017
Transmission Date	N/A.

