

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

**Civil Writ Jurisdiction Case No.4591 of 2016**

=====

Paras Nath Pandey Son of Late Koshori Pandey, Resident of Belsand, P.S. -  
Belsand, District - Sitamarhi.

.... .... Petitioner

Versus

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

.... .... Respondents

=====

**Appearance :**

For the Petitioner : Mr. Dhananjaya Nath Tiwari, Advocate

For the Respondents : Mr. Arvind Ujjwal - SC25

=====

**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL JUDGMENT**

**Date: 05-12-2017**

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

2. The present writ petition has been filed for setting aside the order passed by the Sub-Divisional Officer, Belsand contained in memo no. 23 dated 15.01.2016 (Annexure-3) by which the licence granted under the provision of the PDS Order, 2001 for carrying on business of fair price shop has been cancelled even without supplying the enquiry report.

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 13 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 had been relied upon in the impugned order.

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 order dated 15.01.2016 (Annexure-3) is hereby quashed and the matter is remanded to the Sub-Divisional Officer, Belsand, Sitamarhi 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. 4.

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)**

B.T/Chandran

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | N.A.       |
| Uploading Date    | 06.12.2017 |
| Transmission Date | N.A.       |

