

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6329 of 2014

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Ashok Kumar Prasad, son of Late Saryug Prasad, Resident of Village-
Sursand, P.S. Sursand, District- Sitamarhi

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar,
Patna
2. The Secretary, Department of Food and Civil Supplies, Government of
Bihar, Patna
3. The District Magistrate, Sitamarhi, District- Sitamarhi
4. The District Supply Officer, Sitamarhi, District- Sitamarhi
5. The Sub-Divisional Officer, Pupri, District- Sitamarhi
6. The Block Supply Officer, Sursand, District- Sitamarhi

.... Respondent/s

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Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Advocate
Mr. Pushpendra Kumar Singh, Advocate
For the Respondent/s : Mr. Alok Ranjan, A.C. to G.A.-6

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 04-05-2017 The present writ application has been filed for
quashing the order dated 30.11.2013, contained in Memo
No.742 (Annexure 4), whereby and whereunder the licence of
the petitioner under the Public Distribution System has been
cancelled.

Mr. N.K. Agrawal, learned Senior Counsel
appearing on behalf of the petitioner submits that the impugned
order, as contained in Annexure 4, is wholly illegal and
arbitrary inasmuch as the enquiry was conducted behind the
back of the petitioner and copy of the enquiry report was also



not supplied to him. He further submits that the order having been in utter violation of the principles of natural justice stands vitiated and deserves to be set aside on that ground alone.

Learned counsel for the State, however, submits that there is provision of appeal.

This Court, however, feels that statutory wrong has been occasioned. This Court would, after setting aside the order passed cancelling the licence of the petitioner, remand back the matter to the SDO, Pupari (Sitamarhi) for passing appropriate orders, in accordance with law, after giving a copy of the enquiry report to the petitioner and also affording him sufficient opportunity for placing his materials and giving him adequate hearing in the matter.

The writ application thus stands disposed of by quashing order dated 30.11.2013 (Annexure 4) and with the aforementioned direction to the SDO, Pupari (Sitamarhi).

(Anjana Mishra, J)

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