

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19523 of 2014

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Ram Bali Paswan, son of Late Laxman Paswan, Resident of village - Lodipur
(Nagar Panchayat Bank), Police Station - Maner, District - Patna.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Bihar, Patna.
2. The District Magistrate, Patna.
3. The Sub-Divisional Officer, Danapur, District - Patna.
4. The Block Supply Officer, Maner Sub-Division Danapur, District - Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Mukul Prasad, Advocate

For the State : Mr. Lalan Kumar, A.C. to G.P. 9

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 10-01-2017

Heard parties.

Sole ground taken for assailing the order dated 17.10.2014, as contained in Annexure 1, by which the petitioner's PDS licence no.13/07 has been cancelled, is that the show cause notice and the impugned order are based on the report of the inquiry conducted by the Block Supply Officer on 21.07.2014, a copy of which was never supplied to the petitioner which is an admitted position after the stand taken by the respondents in the supplementary counter affidavit.

The issue is no longer *res integra* as this Court on several occasions has held that if the show cause notice and the impugned order are based upon the inquiry report and copy of the same was not served upon the petitioner along with the show cause notice then it would mean that adequate opportunity was never given



to the petitioner to make out his case as it would be impossible for him to give proper reply to the show cause notice in absence of the same. A reference in this regard is made to a decision of this Court rendered in **Brahmdeo Rai Vs. the State of Bihar and Others [2013 (2) PLJR 706]** holding that in such a situation the order is bad and in violation of the principle of natural justice.

Accordingly, this writ application succeeds. The order impugned, as contained in Annexure 1, is quashed and set aside.

However, the matter is remitted back to the Licensing Authority for taking a fresh decision in accordance with law. Before coming to a final conclusion, he would be required to supply a copy of the inquiry report as well as copies of the complaint, if any, made by the beneficiaries against the petitioner and, thereafter, grant him another opportunity to file a reply. If such reply is filed then that should be considered and matter should be disposed of by passing a reasoned and speaking order.

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

(Dr. Ravi Ranjan, J)

Sanjay-II/-

AFR/NAFR	NAFR
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