

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9880 of 2016

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Umesh Rai son of Bishwanth Rai Resident of village and P.O. Sirsiya, P.S. Runnisaidpur, District-Sitamarhi.

.... Petitioner/s

Versus

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

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Adv.

Mr. Puspendra Kr. Singh, Adv.

For the Respondent/s : Mr. Krishna Kr. Singh, AC to GP-22

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 26-04-2017

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

In this case, the petitioner is challenging the order of the S.D.O., Sitamarhi Sadar, Sitamarhi dated 31.3.2016, whereby and whereunder, he has cancelled the P.D.S. license of the petitioner on the ground that the petitioner was not running the shop in proper manner and was involved in certain irregularity in running the shop.

The petitioner was issued a show-cause vide Memo No. 165 dated 26.3.2016, the ground of show-cause has been mentioned and serious allegation has been made that the consumer has made a complaint that the petitioner was not distributing the grains and other materials properly. The petitioner filed show-cause reply, whereafter,



the final order has been passed.

Learned counsel for the petitioner submits that at that time the petitioner was not served with a copy of the enquiry report and, as such, he could not give proper reply to the show-cause furnished upon him and in paragraph no.11 of the counter affidavit, the State itself has said that at the time of inspection, the petitioner was not available and the petitioner has never made a demand of the enquiry report and, on that account, the enquiry report could not be served upon the petitioner.

In that view of the matter, the impugned order dated 31.3.2016 is quashed, the matter is remanded back the Licensing Authority cum S.D.O., Sitamarhi Sadar, Sitamarhi who, after furnishing the enquiry report to the petitioner and after giving an opportunity of hearing to him, will take a decision in accordance with law.

With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	29.04.2017
Transmission Date	NA

