

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2947 of 2017

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Panna Lal Yadav, son of Late Kashinath Yadav, resident of Village- Balua, Police Station- Arrah Muffasil, District- Bhojpur.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Civil and Food Supply Department, Government of Bihar, Patna.
2. The District Magistrate, Bhojpura at Arrah.
3. The Sub-Divisional Officer, Bhojpur at Arrah.
4. The Addl. District Supply Officer, Bhojpur at Arrah.
5. The Marketing Officer-cum-Supply Inspector, Arrah Sadar Block, District- Bhojpur at Arrah.

.... Respondents

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Appearance :

For the Petitioner : Mrs. Nivedita Nirvikar,
Mr. Ram Subhas Singh, Advocates.
For the Respondents : Mr. Sanjay Kr.Giri, GP-9

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 24-11-2017

The present writ petition has been filed for quashing the order contained in Memo No. 494 dated 08.02.2017 by which the Public Distribution System License bearing License No. 12/2007 of the petitioner has been cancelled by the Sub-Divisional Officer, Arrah.

2. Mrs. Nivedita Nirvikar, learned counsel appearing on behalf of the petitioner, makes a short submission to assail the impugned order of cancellation of the PDS licence, to the effect that the same has been passed without however supplying a copy of the complaints said to have been received against the petitioner as well as the inquiry report which has been relied upon in the impugned order.

3. Learned counsel for the respondents appears and has been heard.

4. A perusal of the impugned order discloses that the same has taken into consideration the inquiry report in which irregularities were alleged against the petitioner. In reply to the show



cause notices, the petitioner sought copies of the complaints as well as the inquiry report but the same were not made available. Clearly therefore the principles of natural justice have been violated as the petitioner was not confronted with the findings in the inquiry report which has been relied upon by the Sub-Divisional Officer which vitiates the decision making process.

5. The impugned order dated 08.02.2017 (Annexure-5) is accordingly quashed and the matter is remanded to the Sub-Divisional Officer, Sadar, Arrah for passing orders afresh after grant of opportunity of hearing to the petitioner in accordance with law.

6. The writ petition stands allowed.

7. In the meantime, the licence of the petitioner shall stand restored and the petitioner shall be permitted to lift the articles until fresh orders are passed under the PDS licence.

(Vikash Jain, J)

Md. Ibrarul/BT

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