

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2957 of 2015

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Ashok Kumar, Son of Brahmdeo Yadav, Resident of Village - Gosaigaon, P.S. - Ghoswari, District - Patna.

.... Petitioner

Versus

1. The State of Bihar through the Collector, Patna.
2. The S.D.O. Barh Patna.
3. The Block Supply Officer, Barh, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sabal Kumar Jha, Advocate.

For the Respondents : Mr. Sharad Kumar Sinha, GP-15

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 06-11-2017

The present writ petition has been filed by the petitioner who is aggrieved by the order contained in memo no. 360 dated 01.07.2013 passed by the S.D.O., Barh cancelling the PDS license of the petitioner.

2. Learned counsel for the petitioner submits that the impugned order has been passed cancelling the PDS license of the petitioner without however grant of any opportunity which is in contravention of Clause (ii) of para-7 of the PDS (Control) Order, 2001 as substituted in the year 2011.

3. Learned counsel for the respondents relies on the counter affidavit to submit that the petitioner's license had been cancelled in view of institution of F.I.R.



4. Considering the requirement of grant of opportunity prior to cancellation of license, this Court is of the view that there has been violation of principle of natural justice. The impugned order as contained in memo no. 360 dated 01.07.2013 passed by the S.D.O. Barh is hereby set aside. The respondents shall be at liberty to proceed afresh against the petitioner, if so advised.

5. The writ petition stands allowed.

(Vikash Jain, J)

Md. Ibrarul/BT

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