

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14766 of 2017

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Suresh Kr. Jha, Son of Late Brahmdeo Jha, Resident of Village- Garian Gaon,
P.S.- Mansoorchak, P.D.S. Dealer-Chiranjivipur, District- Begusarai.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The District Magistrate, Begusarai.
3. The District Supply Officer, Begusarai.
4. The Assistant District Supply Officer, Begusarai.
5. The Sub-Divisional Magistrate, Teghra, Begusarai.
6. The Block Development Officer, Bachchwara.
7. The Block Supply Officer, Bachchwara, Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prem Prakash Poddar, Adv

For the Respondent/s : Mr. S.RAZA AHMAD -AAG5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 30-03-2018

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

I.A. No. 2356 of 2018

2. This interlocutory application has been filed for adding
the following reliefs in addition to the reliefs sought for in the main
writ petition in view of the changed circumstances :

(i) For issuance of a writ of certiorari for quashing the
order contained in memo no. 2115 dated 16.11.2017 passed by the
Collector, Begusarai in Misc. Appeal (PDS) No. 25/2016 whereby and
whereunder the learned Collector has been pleased to uphold the order



passed by the Sub Divisional Officer, Teghra, District Begusarai.

(ii) For any other reliefs for which the petitioner is found entitled in the facts and circumstances of the case.

3. Having regard to the nature of prayer, I.A. No. 2356 of 2018 is allowed and treated as forming part of the main writ petition.

CWJC No. 14766 of 2017

4. The present writ petition has been filed for quashing the order contained in memo no. 586/Go dated 14.09.2016 passed by the Sub-Divisional Officer, Teghra, Begusarai as also the appellate order contained in memo no. 2115 dated 16.11.2017 passed by the Collector, Begusarai in Misc. Appeal (PDS) no. 25/2016 whereby and whereunder the licence of the petitioner's PDS shop bearing no. 101/85 has been cancelled and monthly allotment has been stopped; and further to restore the petitioner's license.

5. Learned counsel for the petitioner makes a short submission to assail the impugned order on the ground that a copy of the enquiry report was not made available to the petitioner and he was never confronted with the same by granting an opportunity of being heard and adducing evidence in that regard.

6. A counter affidavit has been filed on behalf of the respondents in which however the aforesaid stand of the petitioner has not been controverted.

7. In the above view of the matter, this Court is satisfied



that non-supply of the enquiry report to the petitioner has resulted in violation of natural justice and thus the decision making process stands vitiated. The impugned order dated 14.09.2016 (Annexure-2) and the appellate order dated 16.11.2017 (Annexure-3) are hereby quashed and the matter remanded to the S.D.O., Teghra, Begusarai for taking decision afresh in the matter after supplying a copy of the enquiry report to the petitioner and granting an opportunity of hearing in accordance with law. Supplies to the petitioner shall be restored without delay until fresh orders are passed.

8. It is made clear that in case the stand of the petitioner denying receipt of the enquiry report prior to order of cancellation being passed is found to be incorrect, the respondents shall be at liberty to approach this Court for recall of this judgment

9. The writ petition stands allowed as above.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.04.2018
Transmission Date	NA

