

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6496 of 2018

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Sanjeet Kumar Rai Son of Prabhat Prasun Rai Resident of Village Dumari, P.O. Dumari, P.S. Majhauria, District,- West Champaranat Bettiah the Present Chairman of Dumari PACS.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department, Government of Bihar, Patna.
2. The District Magistrate, Bettiah at West Champaran.
3. The Sub Divisional Officer, Bettiah, West Champaran.
4. Block Development Officer, Majhauria, District- West Champaran.
5. The Block Supply Officer, Majhauria.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ramchandra Sahni, Advocate.

For the Respondents : Mr. S. Raza Ahmad, AAG-5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 17-05-2018

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

2. The present writ petition has been filed for quashing the letter bearing Memo No. 420 dated 17.09.2016 issued under the signature of Sub-Divisional Officer, Bettiah by which the license of the petitioner for Public Distribution System vide licence no. 17/2011-04/2016 has been cancelled.

3. 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 with an opportunity of being heard or



adducing evidence in that regard. A specific stand has been taken in paragraph nos. 2 and 3 of the supplementary affidavit that the impugned order of cancellation of licence has been passed without providing a copy of the enquiry report to the petitioner, though the same has been relied upon in the impugned order.

4. Learned counsel for the respondents appears and has been heard. The stand of the petitioner with regard to non-supply of enquiry report has not been controverted, as no counter affidavit has been filed till date.

5. 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 17.09.2016 (Annexure-3) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Bettiah, West Champaran 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 by the respondent no. 3.

6. 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.



7. The writ petition stands allowed as above.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
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