

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.17240 of 2017**

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1. Vijay Kumar Prasad @ Vijay Prasad, Son of Late Gulab Chand Ram, Resident of Village- Usari, P.S.- Dawath, District- Rohtas.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supply, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Food and Civil Supply, Govt. of Bihar, Patna.
3. The District Magistrate, Rohtas at Sasaram.
4. The District Supply Officer, Rohtas.
5. The Sub-Divisional Officer, Bikramganj, District- Rohtas.
6. The Block Development Officer, Dawath, District- Rohtas.
7. Block Supply Officer, Dawath District- Rohtas.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Sri Krishna Ranjan, 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. 1356 of 2018

2. This interlocutory application has been filed for amendment of the prayer made in the main writ petition for setting aside the order as contained in memo no. 271 dated 21.08.2017 passed by the Sub Divisional Officer, Bikramganj, Rohtas, whereby and whereunder the licence of the petitioner's PDS shop bearing Licence No. 07(D)/2007 has been cancelled.

3. Having regard to the nature of prayer, I.A. No. 1356 of



2018 is allowed and treated as forming part of the main writ petition.

CWJC No. 17240 of 2017

4. The present writ petition has been filed for quashing the order contained in memo no. 271 dated 21.08.2017 passed by the Sub-Divisional Officer, Bikramganj, Rohtas whereby and whereunder the licence of the petitioner's PDS shop bearing no. 07(D)/2007 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. Learned counsel for the respondents appears and has been heard, but however, no counter affidavit has been filed till date.

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 271 dated 21.08.2017 (Annexure-10) is hereby quashed and the matter remanded to the S.D.O, Bikramganj, Rohtas 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. The writ petition stands allowed as above.

**(Vikash Jain, J)**

Chandran/BT

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