

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5319 of 2018

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Sanjay Kumar Singh @ Sanjay Singh, S/o Jagarnath Singh, resident of Village -
Jalalpur, P.S.- Duraundha, District- Siwan.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Food & Consumer Protection, Government of Bihar, Patna.
2. The Collector, Siwan.
3. The Sub- Divisional Officer, Maharajganj, District- Siwan.
4. The Block Supply Officer, Maharajganj, Siwan.

.... Respondents

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Appearance :

For the Petitioner : Mr. D.N. Tewari,
Mr. Ashok Kumar, Advocates

For the Respondents : Mr. Upendra Pratap Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 15-05-2018

Heard learned counsel for the petitioner as well as learned
counsel for the respondents.

2. The present writ petition has been filed for quashing the order contained in memo no. 624 dated 02.11.2016 passed by learned Sub Divisional Officer Maharajganj, Siwan by which the license of the petitioner being license no. 112 of 2007 granted under the provisions of P.D.S. Order for carrying on business under Public Distribution System has been cancelled on the basis of institution of an F.I.R. being Duraundha P.S. Case No. 127 of 2016 under section 7 of the E.C. Act and for further direction to the respondents to restore the license and supply of the petitioner.

3. Learned counsel for the petitioner makes a short



submission to assail the impugned order on the ground that a copy of the inspection report dated 24.08.2016 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 7 of the writ petition that the impugned order of cancellation of licence has been passed without providing a copy of the inspection report to the petitioner, though the same had 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 the inspection 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 inspection report to the petitioner has resulted in violation of natural justice and thus the decision making process stands vitiated. The impugned order contained in memo no. 624 dated 02.11.2016 (Annexure-3) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Maharajganj, District Siwan for taking decision afresh in the matter after supplying a copy of the inspection 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)

B.T/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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Transmission Date	N.A.

