

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15852 of 2017

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Chandeshwar Das, Son of Sarjug Das, Resident of Village - Amra, P.S.- Koanch,
District- Gaya.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
2. The Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
3. The Director, Food and Civil Supply Department, Govt. of Bihar, Patna.
4. The District Magistrate, Gaya, District- Gaya.
5. The District Supply Officer, Gaya, District- Gaya.
6. The Sub Divisional Officer, Tikari, District- Gaya.
7. The Block Supply Officer, Koanch, District- Gaya.
8. The Anchaladhikari, Koanch, Gaya, District- Gaya.

.... Respondents

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Appearance :

For the Petitioner : Mr. Deepak Kumar, Advocate

For the Respondents : Mr. S. Raza Ahmad, AAG5
Mr. Alok Ranjan, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 15-01-2018

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

2. The present writ petition has been filed for quashing the order contained in memo no. 766 dated 01.09.2017 issued under signature of Sub Divisional Officer, Tikari by which he terminated/ suspended PDS license No. 35/2016 of the petitioner without considering the case of the petitioner and without giving due opportunity to petitioner to produce his case in respect of alleged allegation and further quashing letter bearing No. 305 dated 03.05.2017 by which license of the petitioner had been suspended and



further issue direction to the respondent to consider the case of the petitioner after giving due opportunity to the petitioner and further issue direction to the respondents to restore the PDRS licence No. 35/2016 to the petitioner.

3. Learned counsel for the petitioner makes a short submission to assail the impugned order on the ground that show cause notice was not given 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 paragraphs 18 and 21 of the writ petition that the impugned order of cancellation of licence has been passed without providing show cause notice to the petitioner.

4. Learned counsel for the respondents appears and has been heard. The stand of the petitioner with regard to non-supply of show cause notice to the petitioner 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 show cause notice to the petitioner has resulted in violation of natural justice and thus the decision making process stands vitiated. The impugned order dated 03.05.2017 (Annexure-3) and the order dated 01.09.2017 (Annexure-8) are hereby quashed and the matter remanded to the Sub-Divisional Officer, Tikari, District Gaya (respondent no. 6) for taking decision afresh in the matter after issuing show cause notice 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. 6.

6. It is made clear that in case the stand of the petitioner denying receipt of the show cause notice 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/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18.01.2018
Transmission Date	N.A

