

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18987 of 2017

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Md. Jalaluddin @ Shekh Jalaluddin S/o-Late Md. Usman, Resident of Village-Parsa, P.O.-Kumma, District-Sitamarhi

.... Petitioner

Versus

1. The State of Bihar through its Secretary Food & Civil Supply Department, Government of Bihar, Patna.
2. The District Magistrate, Sitamarhi.
3. The Sub-Divisional Officer, Pupri, Sitamarhi.
4. The District Supply Officer, Sitamarhi.
5. The Block Supply Officer, Sursand.
6. The Block Development officer, Sursand.
7. The Circle Officer, Sursand.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ashhar Mustafa, Advocate.

For the Respondents : Mr. Arvind Ujjwal, SC-4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 25-01-2018

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

2. The present writ petition has been filed for setting aside the order dated 31.01.2017 contained in Memo No. 53 passed by the Sub-Divisional Officer, Pupri (respondent no. 3) by which the Public Distribution Shop (P.D.S.) license of the petitioner granted under Bihar Trade Articles (License Unification) Order, 1984 was cancelled.

3. Learned counsel for the petitioner makes a short submission to assail the impugned order on the ground that show cause notice was not issued to the petitioner nor the copies of complaints of the beneficiaries nor copies of the enquiry report were



given and he was never given an opportunity of being heard or adducing evidence in that regard. A specific stand has been taken in paragraph-8 of the writ petition that the impugned order of cancellation of licence has been passed without issuing show cause notice to the petitioner nor the copies of the complaint of the beneficiaries nor copies of the enquiry report were supplied to him. Thus, there is a clear violation of principles of natural justice.

4. Learned counsel for the respondents appears and has been heard. The stand of the petitioner with regard to non-issuance of show cause notice to the petitioner nor supply of any copy of complaint nor supply of any copy of the enquiry report was made to him 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-issuance of show cause notice to the petitioner; non-supply of the copies of the complaints of the beneficiaries and non-supply of the enquiry report to him has resulted in violation of natural justice and thus the decision making process stands vitiated. The impugned order dated 31.01.2017 (Annexure-3) is quashed and the matter remanded to the Sub-Divisional Officer, Pupri, Sitamarhi for taking decision afresh in the matter after issuing show cause notice and supplying of the copies of the complaints as well as 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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