

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9973 of 2017

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Md. Immamuddin Son of Late Abdul Latif, Resident of Village-Khanka P.O.
Chattargachh, Police Station Pothiya, District Kishanganj,

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Department of Food and Civil Supply Govt. Bihar, Patna.
2. District Magistrate, Kishanganj.
3. The Additional Collector, Kishanganj
4. The Sub-Divisional Officer, Kishanganj
5. Land Reform Deputy Collector, Kishanganj
6. The District Supply Officer, Kishanganj.
7. Block Supply Officer, Pothia
8. Assistant Godam Manager, Kishanganj.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ram Prawesh Kumar, Advocate

For the Respondents : Mr. Upendra Pratap Singh, AC to SC4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 01-05-2018

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

2. The present writ petition has been filed for the following
reliefs –

“(i) For issuance of a writ/writs in the nature of certiorari for quashing of order dated 14.2.2017 passed in Supply Appeal Case No. 29/2015 passed by the District Magistrate-Cum Collector, Kishanganj by which he was pleased to affirm the order dated 11.2.2015 passed by the Sub Divisional Officer, Kishanganj by which the P.D.S. licence of the petitioner was cancelled.

(ii) For writ of writ/writs commanding the respondents to restore the licence of the PDS dealership of the petitioner.



(iii) For any other relief/reliefs as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case."

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 27 of the writ petition 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 had been relied upon in the impugned order. Such infirmity could not be cured in the appeal as well.

4. Learned counsel for the respondents appears and has been heard. The stand of the petitioner with regard to non-supply of the 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 appellate order dated 14.02.2017 passed by the Collector, Kishanganj in Supply Appeal Case No. 29/2015 (Annexure-7) and the impugned order dated 11.02.2015 (Annexure-5) are hereby quashed



and the matter remanded to the Sub-Divisional Officer, Kishanganj 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. 4.

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.
Uploading Date	04.05.2018
Transmission Date	N.A.

