

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7707 of 2014

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Ram Chandra Singh, Son of Late Sukhdeo Singh, Resident of Village Sukala,
Punarbas, Ward No. 1, P.S. Supaul, District Supaul

.... Petitioner

Versus

1. The State of Bihar through its Principal Secretary, Department of Food and Civil Supply, Government of Bihar, Patna
2. The Divisional Commissioner, Koshi Division, Saharsa
3. The District Magistrate, Supaul, District- Supaul
4. The Sub-Divisional Officer, Supaul, District- Supaul
5. The District Supply Officer, Supaul, District- Supaul

.... Respondent

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Appearance :

For the Petitioner : Mr. Akash Chaturvedi, Advocate.

For the Respondent : Mr. M.K. Singh, SC-6

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 27-04-2018

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

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

“(a) For issuance of a writ in the nature of Certiorari for quashing of the order dated 25.08.2011 passed in Rev. Case No. 18 of 2008 by Commissioner Koshi Division rejecting the revision application filed by the petitioner on erroneous grounds without considering the fact and law that the order under challenge has been passed in violation of principles of natural justice. .

(b) For issuance of a writ in the nature of Certiorari for quashing of the order dated 16.06.2008 passed in Appeal Case No. 72 of 2004 by the District Magistrate, Supaul



dismissing the appeal filed by the petitioner without considering factual as well as legal aspect of the matter on nonest grounds which is unsustainable in the eyes of law.

(c) For issuance of writ in the nature of certiorari for quashing of the order dated 30.08.2001 passed by the Sub-Divisional Officer, Supaul cancelling the Public Distribution System license of the petitioner bearing license no. 301 of 1985 without complying the legal formalities and in complete violations of principles of natural justice and has cancelled the license of the petitioner in utter haste even without issuing any show cause notice.

(iv) For issuance of writ in the nature of declaration that the order of cancellation cancelling the Public Distribution System license of the petitioner has been passed violating the law prevailing at that point of time where the authority ought to have first suspend and then issue show cause notice before cancelling the license.

(v) For issuance of writ in the nature of mandamus directing the respondent to restore the Public Distribution System license bearing license no. 301 of 1985 of the petitioner with immediate effect

(vi) For issuance of writ in the nature of mandamus directing the respondents to restore the supply of food grains and other commodities after restoring the Public Distribution System license of the petitioner and for any other relief and reliefs for which the petitioner is found entitled in facts and circumstances of the present case..”

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 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 has been relied upon in the impugned order. Such infirmity could not be cured in the appeal and revision as well.

4. Learned counsel for the respondents appears and has been heard. The stand of the petitioner with regard to non-supply of enquiry report has not been controverted in the counter affidavit filed on behalf of the respondents.

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 dated 30.08.2001 (Annexure-6), the appellate order dated 16.06.2008 passed in Appeal Case No. 72 of 2004 (Annexure-7) as well as the revisional order dated 25.08.2011 passed in Rev. Case No. 18 of 2008 (Annexure-8) are hereby quashed and the matter remanded to the Sub-Divisional Officer, Supaul, 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. 4.

6. It is made clear that in case the stand of the petitioner denying receipt of the inspection 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
CAV DATE	N.A.
Uploading Date	02.05.2018
Transmission Date	N.A.

