

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13819 of 2015

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Mahabir Prasad Son of Late Nathu Sao R/o Mohalla - Shahpur, Cinema More,
Ward No. 35, P.S. Sahpur, Distt. - Aurangabad

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Food and Civil Supply Department,
Patna, Bihar
2. The Commissioner, Magadh Division Gaya
3. The District Magistrate, Aurangabad
4. The District Supply officer, Aurangabad
5. The Sub Divisional Officer, Aurangabad
6. The Block Development officer, Aurangabad

.... Respondents

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Appearance:

For the Petitioner : Mr. Satya Prakash Sinha, Adv
For the Respondents : Mr. Gyan Prakash Ojha, GA 7
Mr. Ajit Kumar, AC to GA 7

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 06-02-2018

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

2. The present writ petition has been filed for quashing the order dated 20.05.2015 contained in memo no. 241 dated 23.05.2015 passed by the Sub-Divisional Officer, Aurangabad by which licence of the petitioner's PDS shop bearing no. 18/AT/85 has been cancelled and monthly allotment has been stopped; and further to restore the petitioner's license.

3. Learned counsel for the petitioner states that a copy of the enquiry report was not supplied to the petitioner prior to passing of the cancellation order which has prevented the petitioner from furnishing a detailed and comprehensive explanation as indicated in paragraph 17 of the writ petition.



4. Learned counsel for the respondents appears and has been heard. No counter affidavit has been filed so far controverting the stand of the petitioner 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 impugned order dated 20.05.2015 (Annexure-10) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Aurangabad (Respondent No. 5) 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. 5.

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)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
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