

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15841 of 2015

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Harendra Singh, Son of Late Kavaldeo Singh, Resident of village- Khawaspur,
Tole- Nandpur, P.S.- Basantpur, District- Siwan

.... Petitioner

Versus

1. The State of Bihar
2. The Commissioner, Saran Division, Saran
3. The District Magistrate, Saran
4. The Sub-Divisional Officer, Maharajganj, Siwan
5. The Block Supply Officer, Lakdi Nawiganj, Siwan

.... Respondents

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Appearance :

For the Petitioner : Mr. Ajay Kumar Pandey, Advocate

For the Respondents : Ms. Shilpi Keshri, AC to AAG 10

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 09-04-2018

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 23.06.2015 passed in Supply Revision Case No. 288 of 2012 by Respondent No. 2 and order dated 21.09.2012 passed in Supply Appeal No. 60 of 2011-12 by Respondent No. 3 and order issued under Memo No. 715 dated 05.12.2011 by Respondent No. 4 whereby and whereunder the P.D.S. License of petitioner has been cancelled; and for further direction to the respondent authorities to restore the licence of petitioner and to make supply of essential articles.

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 6 of the supplementary affidavit 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 as in the revision.

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 in the counter affidavit.

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 revisional order dated 23.06.2015 passed in Supply Revision Case No. 288 of 2012 (Annexure-13), the appellate order dated 21.09.2012 passed in Supply Appeal No. 60 of 2011-12 (Annexure-12); and the impugned order issued under Memo No. 715 dated 05.12.2011 (Annexure-9) are hereby quashed and the matter remanded to the Sub-Divisional Officer, Maharajganj, District Siwan 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/Chandran

AFR/NAFR	NAFR
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