

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11184 of 2014

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Ram Binay Thakur S/o Late Dun Bahadur Thakur Resident of Village and Post
at Raghauli, P.S.- Bisfi, District- Madhubani.

.... Petitioner

Versus

1. The State of Bihar through the Joint Secretary of the State, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate cum Collector.
3. The Sub- Divisional Officer, Benipatti, Madhubani.
4. The Officer on Special Duty, Food and Consumer Protection Department, Patna.
5. The Circle Officer cum Block Supply Officer, Bisfi, Madhubani.

.... Respondents

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Appearance :

For the Petitioner : Mr. Prabhash Ranjan Thakur, Advocate.

For the Respondents : Mr. Anshul, SC-32

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 24-07-2018

The present writ petition has been filed for quashing the order dated 21.01.2014 passed by the learned Collector, Madhubani (respondent no. 2) in Supply Case No. 90 of 2012-13 "Ram Binay Thakur Versus State" as contained in Annexure-9, whereby and whereunder the learned Collector was pleased to confirm the order dated 19.10.2012 passed by the Sub-Divisional Officer, Benipatti (respondent no. 3) as contained in Annexure-8; for quashing the order dated 19.10.2012 passed by the Sub-Divisional Officer, Benipatti (respondent no. 3) as contained in Annexure-8 whereby and whereunder learned Sub-Divisional Officer, Benipatti has been pleased



to cancel the license of fair price shop of the petitioner under Public Distribution System; and for connected reliefs.

2. Learned counsel for the petitioner mainly raises two fold submissions to assail the impugned order of cancellation and the appellate order on the grounds that (a) no notice for proposed cancellation was issued prior to the cancellation order being passed and (b) copy of the enquiry report and statement of complainants was not made available to the petitioner along with the show cause notice.

3. Learned counsel for the respondents appears and has been heard.

4. Having heard the parties and on a consideration of the materials on record, this Court finds merit in the writ petition. A perusal of the show cause notice dated 23.08.2012 (Annexure-4) as well as the subsequent show cause notice dated 19.09.2012 (Annexure-7) do not contain any averment with regard to proposed cancellation of the petitioner's license which is a mandatory requirement of Clause-7(ii) of the P.D.S. (Control) Order, 2001. Moreover, non-furnishing of the enquiry report and the statement of the complainants constitutes a breach of natural justice and denies the petitioner an opportunity of advancing his defense in a proper manner. The stand of the petitioner on both these counts has not been controverted in the counter affidavit filed on behalf of the respondents.



5. In the above view of the matter, the impugned orders dated 21.01.2014 and 19.10.2012 are hereby quashed with liberty to the respondents to issue a fresh show cause notice of proposed cancellation and to supply copies of the enquiry report and the statement of the complainants to the petitioner, before passing orders afresh in accordance with law.

6. The writ petition stands allowed.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
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