

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16333 of 2015

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Ram Snehi Rai son of Late Ram Shrestha Rai, Resident of village- Bisbatti, P.S.
Sursand, District- Sitamarhi

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The Secretary, Food and Civil Supplies, Government of Bihar, Patna
3. The District Magistrate, Sitamarhi, District- Sitamarhi
4. The Sub-Divisional Officer, Pupri, District- Sitamarhi
5. The Block Supply Officer, Sursand, District- Sitamarhi

.... Respondents

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Appearance :

For the Petitioner : Mr. Pushpendra Kumar Singh, Adv.

For the Respondents : Mr. Nawal Kishore Singh, SC-2

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 26-06-2018

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 an appropriate writ in the nature of
CERTIORARI for quashing the order dated 13.06.2013
passed by the Respondent no. 4 and communicated to the
petitioner under memo no. 288 dated 13.06.2013 whereby
and where under the Respondent no. 4 has been pleased to
cancel the Public Distribution System (hereinafter referred
to as the P.D.S.) License of the petitioner with immediate
effect and directed the Respondent no. 5 to attach the
consumers of petitioner P.D.S. shop to the nearest P.D.S.
Dealer..*

*(II) For a declaration that in compliance of the show-
cause notice issued to the petitioner, he had filed his reply*



within the time granted, the Respondent no. 4 was obliged to consider the reply filed by the petitioner in its objectivity and only thereafter he would have passed any order but in accordance with law.

(III) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent Authorities to restore the license of the petitioner as also to restore the supply on the ground that the cancellation of his license is based on frivolous report and the cancellation order was passed by the Respondent no. 4 in complete violation of the principles of NATURAL JUSTICE.

(IV) For issuance of any other writ/writs, order/orders, direction/directions for which the writ petitioner would be found entitled under 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 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-8 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.

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

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 13.06.2013 (Annexure-2) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Pupri, District- Sitamarhi 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 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
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