

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16442 of 2017

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Raja Ram Sada, Son of Mangal Sada, R/o Village- Rajapur Ragho, Block-
Bachhwara, P.S.- Mansurchak, District- Begusarai.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The District Magistrate, Begusarai.
3. The District Supply Officer, Begusarai.
4. The Assistant District Supply Officer, District- Begusarai.
5. The Sub-Divisional Magistrate, Teghra, District- Begusarai.
6. The Block Development Officer, Bachhwara, District- Begusarai.
7. The Block Supply Officer, Bachhwara, District- Begusarai.

.... Respondents

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Appearance :

For the Petitioner : Mr. Prem Prakash Poddar, Advocate

For the Respondents : Mr. Arbind Ujjawal - SC4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 18-01-2018

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/writs, order/orders, direction/directions for quashing the order dated 10.08.2017 in Miscellaneous Appeal (P.D.S.) Case no. 79/2011 (Raja Ram Sada Versus State) passed by the Collector, Begusarai (Annexure-3) by which the appeal has been dismissed without considering the fact and circumstances of the case with the judicial mind.

(ii) For issuance of an appropriate writ/writs, order/orders, direction/directions for quashing the office order contained in Memo No. 772/Gop/dated 17.07.2011 contained in Annexure-2 issued by the Licensee Officer-cum-Sub Divisional Officer (Supply), Teghra, District



Begusarai, by which the petitioner's shop under Public Distribution System (hereinafter called as the P.D.S.) bearing license no. 16/08 has been cancelled, illegally with immediate effect.

(iii) For issuance of an appropriate writ/writs, order/orders, direction/directions to the respondent authority to restore the license no. 16/08 of the petitioner immediately.

(iv) For grant of any other relief or reliefs, which your Lordships deem fit and proper in 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 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 26 of the writ petition 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.

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, as no counter affidavit has been filed 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 appellate order dated 10.08.2017 passed by the Collector, Begusarai (Annexure-3) and the impugned order dated 17.07.2011 passed by the Sub-Divisional Officer, Teghra (Annexure-2) are hereby quashed and the matter remanded to the Sub-Divisional Officer, Teghra, District Begusarai (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)

B.T/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	23.01.2018
Transmission Date	N.A.

