

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6914 of 2017

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Rameshwar Thakur S/o Sri Ram Charitra Thakur, Resident of Village - Naula,
Post - Naula, P.S. - Bhaganpur, Panchayat - Naula, Block Circle - Birpur, District
- Begusarai.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer
Protection Department, Government of Bihar, Patna.
2. The District Magistrate, Begusarai.
3. The Sub-Divisional Magistrate, Begusarai.
4. The District Supply Officer, Begusarai.
5. The Assistant District Supply Officer, Begusarai.
6. The Circle Officer-cum-Block Supply Officer, Birpur, Dist - Begusarai.

.... Respondent

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Appearance :

For the Petitioner : Mr. Prem Prakash Poddar
For the Respondent : Mr. Arvind Ujjwal, SC-4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 15-01-2018

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 office
order contained at Memo No. 159 dated 15.03.2017
contained in Annexure-2 issued by the Licensee Officer cum
Sub-Divisional Officer, Begusarai by which the petitioner’s
shop under Public Distribution System (hereinafter called
as the P.D.S.) bearing license no. BIR-13/2016 has been
cancelled illegally with immediate effect.*



(ii) For issuance of an appropriate writ/writs, order/orders, direction/directions to the respondents authority to restore the license no. BIR-13 of 2016 of the petitioner immediately..

(iii) For grant of any other relief or reliefs which 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-14 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 has been relied upon in the impugned order..

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 impugned order dated 15.03.2017 (Annexure-2) is quashed and the matter remanded to the Sub-Divisional Officer,



Begusarai, 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. 3.

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)

Md. Ibrarul/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	19.01.2018
Transmission Date	N.A.

