

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.13857 of 2017**

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Ram Lal Singh, S/o Late Palat Singh, Resident of Mirjanagar, P.S. Mahuwa,  
District - Vaishali.

.... .... Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Food & Consumer Protection, Government of Bihar, Patna.
2. The Collector, Vaishali.
3. The Sub Divisional Officer, Mahuwa, Vaishali.
4. The Block Supply Officer, Mahuwa, Vaishali.

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Dhananjaya Nath Tiwari, Advocate

For the Respondents : Mr. Sanjay Kr. Giri, GP-9

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL JUDGMENT**

**Date: 09-05-2018**

Heard learned counsel for the petitioner and learned  
counsel for the respondents.

2. The present writ application has been filed for setting  
aside the order contained in memo no. 103 dated 11.02.2017 by which  
the license granted under the provisions of PDS Order 2016 for  
carrying on business of Fair Price Shop has been cancelled and also for  
quashing the order dated 25.04.2017 passed the learned Collector  
Vaishali in Case No. R-304 of 2016-17 by which the statutory appeal  
filed on behalf of the petitioner has been rejected; and for further  
direction to the respondents to restore the license.

3. Learned counsel for the petitioner makes a short  
submission to assail the impugned order on the ground that a copy of



the second enquiry report dated 06.01.2017 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 4 of the supplementary affidavit that the impugned order of cancellation of licence has been passed without providing a copy of the second 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 the second 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 second enquiry report to the petitioner has resulted in violation of natural justice and thus the decision making process stands vitiated. The appellate order dated 25.04.2017 passed by the Collector, Vaishali in Case No. R-304 of 2016-17 (Annexure-4) and the impugned order contained in Memo No. 103 dated 11.02.2017 (Annexure-3) are hereby quashed and the matter remanded to the Sub-Divisional Officer, Mahuwa, District Vaishali for taking decision afresh in the matter after supplying a copy of the second 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 second 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

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