

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3425 of 2014

- =====
1. Lalita Devi W/o Late Hari Narayan Sah
 2. Vikash Kumar
 3. Raj Kumar (minor) both son of Late Hari Narayan Sah, resident of Village - Govindpur P.S. Navanagar, District – Buxar (substituted by order dated 17.07.2018)

.... Petitioner

Versus

1. The State of Bihar
2. The District Magistrate-Cum-District Collector, Dumraon, Buxar
3. The Sub Divisional Officer, Navanagar, Dumraon, Buxar
4. The Block Development Officer, Dumraon, Buxar

.... Respondents

=====

Appearance :

For the Petitioner : Mrs. Mira Kumari, Advocate.

For the Respondents : Mr. P.N. Shahi, AAG-10

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 17-07-2018

I.A. No. 3254 of 2016

This interlocutory application has been filed for substitution of the sole petitioner, who died on 23.12.2014, during the pendency of the writ petition.

2. Learned counsel for the respondents appears and has no objection to such prayer.

3. Having regard to the nature of the prayer, let the name of the petitioner be substituted with the name of his legal heirs, namely, his wife Lalita Devi, his son Vikash Kumar and Raj Kumar (minor) as described in paragraph-3 of the I.A. Such substitution is



being permitted to be made in view of the provisions of Clause-2.5 of the P.D.S. (Control) Order, 2007 as also the order dated 02.09.2015 passed by this court in C.W.J.C. No. 15984 of 2013. The interlocutory application stands disposed of.

4. Learned counsel for the petitioner is permitted to make necessary corrections in the array of the parties in course of the day.

C.W.J.C. No. 3425 of 2014

5. The main writ petition has been filed for the following reliefs -

“(a) For issuance of writ of a writ of certiorari for quashing the order dated 18.10.2013 passed by the respondent no. 3, Sub-Divisional Officer, Dumraon, Navanagar, Buxar. By which License granted to the petitioner under Public Distribution System bearing License No. 393/2007 has been cancelled, which has been communicated to the petitioner by his memo no. 1030 dated 18.10.2013 as contained in Annexure-3 of this writ petition.

(b) For, any other relief/reliefs to which the petitioner may be found entitled in the fat and circumstances of the case.”

6. Learned counsel for the petitioners 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 original 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 paragraphs 15 and 17 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 original petitioner, though the same has been relied upon in the impugned order.

7. Learned counsel for the respondents appears and has been heard. The stand of the original petitioner with regard to non-supply of enquiry report has not been controverted in the counter affidavit as it has merely been observed that it is not mandatory to supply the copy of the complaint and the enquiry report with the show cause notice.

8. In the above view of the matter, this Court is satisfied that non-supply of the enquiry report to the original petitioner has resulted in violation of natural justice and thus the decision making process stands vitiated. The impugned order dated 18.10.2013 contained in Memo NO. 1030 (Annexure-3) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Navanagar, Dumraon, Buxar for taking decision afresh in the matter after supplying a copy of the enquiry report to the original petitioner and granting an opportunity of hearing in accordance with law.

9. It is made clear that in case the stand of the original



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.

10. The writ petition stands allowed as above.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	20.07.2018
Transmission Date	N.A.

