

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4226 of 2014

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Ram Briksh Prasad @ Ram Briksh Yadav Son of Late Shibu Yadav, Resident of
Village - Khaje Awtarsarai, P.O. Soharsarai, P.S. Rahui, District - Nalanda

.... Petitioner

Versus

1. The State of Bihar
2. The Collector, Nalanda
3. The Sub Divisional Officer, Biharsharif, Nalanda
4. The Block Supply Officer, Rahui, Nalanda

.... Respondents

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Appearance :

For the Petitioner : Mr. Pravin Kumar Sinha, Advocate.

For the Respondents : Mr. Kinkar Kumar, SC-27

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 16-07-2018

The present writ petition has been filed for quashing the order of cancellation of petitioner's PDS license no. 31/2007 vide memo no. 1416, dated 18.08.2010 by the Sub-Divisional Officer, Biharsharif, Nalanda; for quashing the order dated 20.11.2013 passed in Supply Case No. 01/2011 issued vide memo no. 2621 dated 26.12.2013 passed by the Collector, Nalanda by which he has dismissed the appeal; and for connected reliefs.

2. Learned counsel for the petitioner raises 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-13 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.

3. Learned counsel for the respondents refers to the counter affidavit wherein a clear stand has not been taken with regard to whether a copy of the enquiry report was served on the petitioner or not. It is however admitted that the enquiry report was made the basis of the action taken against the petitioner.

4. Having regard to the nature and the grievance of the petitioner and the failure of the respondents specifically to controvert the stand of the petitioner in this regard, it would appear that the impugned order has been passed in violation of the principles of natural justice. This Court is therefore of the view that the ends of justice will be met if the impugned order dated 18.08.2010 passed by the Sub-Divisional Officer, Biharsharif, Nalanda (Annexure-5) and the appellate order dated 20.11.2013 passed by the Collector, Nalanda (Annexure-1) are hereby quashed and the matter remanded to the Sub-Divisional Officer, Biharsharif, Nalanda for taking fresh decision in the matter after supplying a copy of the enquiry report to the petitioner and granting an opportunity of hearing in accordance with law.



Licence of the petitioner shall be restored without delay until fresh orders are passed by the respondent no. 3.

5. The writ petition stands allowed.

(Vikash Jain, J)

Md. Ibrarul/BT

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