

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10426 of 2015

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Ram Chandra Prasad Choudhary son of late Jhansi Choudhary, resident of Abdul Rahmanpur, Katara Bazar, Patna City, District Patna.

.... Petitioner

Versus

1. The State of Bihar through collector, Patna.
2. The Special Rationing Officer, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Advocate.
Mr. Vijay Anand, Advocate.
For the Respondents : Mr. S.Paswan, GP-29

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 06-09-2018

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

2. The present writ petition has been filed for challenging the order dated 14.01.2014 passed by Collector, Patna in Supply Appeal Case No. 20/1996-97 whereby and whereunder the Supply Appeal preferred by the petitioner was rejected and affirming the order of cancellation of PDS license dated 03.04.1993 passed by Special Rationing Officer, Patna.

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 supplementary affidavit 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. Such infirmity could not be cured in the appeal.

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 03.04.1993 (Annexure-4) and the appellate order dated 14.01.2014 (Annexure-5) are hereby quashed and the matter remanded to the Special Rationing Officer, Patna 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. License of the petitioner shall be restored without delay until fresh orders are passed by the respondent no. 2.

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/BT

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