

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6376 of 2015

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Rama Shankar Prasad son of Hira Lal Sah, Resident of village- Dighwan, Gram Panchayat Raj, Dighwan North, Circle & P.S.- Baikunthpur, District- Gopalganj

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna
2. The Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna
3. The Collector, Gopalganj
4. The Sub-Divisional Officer, Gopalganj, District- Gopalganj
5. The Block Supply Officer Baikunthpur, District- Gopalganj

.... Respondent

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Pandey No-5, Advocate.

For the Respondent : Mr. Rajesh Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 27-04-2018

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

2. The present writ petition has been filed for the following reliefs -

“(a) For quashing of the order dated 24.02.2015 (Annexure-12) passed in Supply appeal Case No. 37 of 2014 passed by the Collector, Gopalganj by which the learned Court above referred has cancelled the PDS license of the petitioner by affirming the order dated 24.10.2014 (Annexure-11) passed by the S.D.O. Gopalganj.

(b) Any further for the quashing of the order dated 24.10.2014 (Annexure-14) passed by the S.D.O. Gopalganj by which the S.D.O. Gopalganj has cancelled the PDS license



of the petitioner.

(c) Any further for the direction to the respondent authorities to restore the PDS license of the petitioner."

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-3 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 24.10.2014 (Annexure-11) and the appellate order dated 24.02.2015 passed in Supply Appeal Case No. 37 of 2014 (Annexure-12) are hereby quashed and the matter remanded to the Sub-Divisional Officer, Gopalganj, District- Gopalganj 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. 4.

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

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	02.05.2018
Transmission Date	N.A.

