

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10544 of 2015

=====

Ranjeet Kumar son of late Gopal Sao, Resident of Village- Chandauti Narayan
Garh, Police Station- Rampur, District- Gaya.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate/Collector, Gaya.
3. The Sub-Divisional Officer, Sadar Gaya, District- Gaya.
4. The Block Supply Officer, Sadar Gaya, Dist- Gaya.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Binay Kumar, Advocate.

For the Respondents : Mr. Rajesh Kumar, GP-19

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 14-08-2018

The present writ petition has been filed for quashing the order dated 11.07.2008 passed by the Sub-Divisional Officer, Sadar Gaya, canceling the petitioner's PDS licence no. 10/90 as well as the order dated 13.03.2013 passed by the District Magistrate cum Appellate Authority, Gaya dismissing the appeal.

2. Learned counsel for the petitioner states that during the pendency of the appeal, the original licensee, Sri Gopal Sao, father of the petitioner, died and the present writ petition has been filed by the petitioner who is the son and legal heir of the erstwhile licensee.

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-8 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. 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 11.07.2008 (Annexure-3) and the appellate order dated 13.03.2013 (Annexure-6) are hereby quashed.

6. It may be observed that no fruitful purpose will be served in remanding the matter for fresh decision in view of the death of the original licensee as in any event the license would not inure beyond the lifetime of the licensee.



7. In the above circumstances, the writ petition is disposed of granting liberty to the petitioner, as prayed, to represent before the concerned authority for grant of P.D.S. license on compassionate basis.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	20.08.2018
Transmission Date	N.A.

