

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.645 of 2018

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Kamakhya Narain Singh, S/o Late Bhuneshwar Singh, Resident of Village-
Kheraje- Sahpur, P.O.- Lalshahpur, P.S.- Sadar (Mabbi O.P.), District-
Darbhanga.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Food and Civil Supply, Govt. of Bihar, Patna.
2. The Collector, Darbhanga.
3. The Sub-Divisional Officer, Darbhanga.
4. The Marketing Officer, Darbhanga.
5. The Block Supply Officer, Bahadurpur, District- Darbhanga.
6. The Supply Inspector, Bahadurpur, District- Darbhanga.

.... Respondents

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Appearance :

For the Petitioner : Mr. Amarendra Narayan, Advocate.

For the Respondents : Mr. S.RAZA Ahmad, AAG-5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 03-07-2018

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

2. The present writ petition has been filed for quashing
of the order dated 05.07.2017 passed by the Collector, Darbhanga in
P.D.S. Appeal No. 64 of 2017 rejecting the petitioner's appeal and
affirming the order of Sub-Divisional Officer, Darbhanga dated
11.02.2017 contained in Memo No. 95 dated 15.02.2017 cancelling the
petitioner's P.D.S. license (71/2007) and for quashing the order of
respondent no. 3 dated 11.02.2017.



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-24 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 11.02.2017 (Annexure-7) and the appellate order dated 05.07.2017 (Annexure-1) are hereby quashed and the matter remanded to the Sub-Divisional Officer, Darbhanga, 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. 3.

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/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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