

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13014 of 2018

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Kanti Devi W/o Late Suresh Singh, PDS dealer, resident of Village- Rajapur,
Block- Daraunda, P.S. Daraunda, District- Siwan.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Secretary, Food and Consumer Protection Department, Bihar, Patna.
3. The District Magistrate cum Collector, Siwan.
4. The Sub Divisional Officer, Maharajganj, Siwan.
5. The Block Supply Officer, Maharajganj, Siwan.
6. The Asstt. District Supply Officer, Maharajganj, Siwan.

.... Respondents

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Appearance :

For the Petitioner : Mr. D.N. Tiwari
Mr. Ashok Kumar, Advocates.
For the Respondents : Mr. S.RAZA Ahmed, AAG-5
Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 10-07-2018

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

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

*“(i) For issuance of appropriate writ/s thereby quashing
and setting aside the impugned order dated .20.01.2018
passed in Public Distribution Case No. 03/18 issued under
the seal and signature of respondent no. 4 whereby and
whereunder the said respondent has cancelled the
petitioner’s fair price shop license no. D65/2007 dated
16.06.2007 on the basis of faulty and erroneous inspection
report of the inspection team with supplying the copy of*



the same to the petitioner.

(ii) For consequently issuance of appropriate writ/s thereby directing and commanding the respondents licensing authority to restore the petitioner's Fair Price Shop License No. D65/2007 and to commence supply of the food grain etc. to the petitioner for proper distribution to the card holders..

(iii) For grant of any other relief or reliefs which petitioner may be entitled to in the facts and circumstances of the case."

3. Learned counsel for the petitioner makes a short submission to assail the impugned order on the ground that a copy of the inspection 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-15 of the writ petition that the impugned order of cancellation of licence has been passed without providing a copy of the inspection report to the petitioner, though the same has been relied upon in the impugned order.

4. Learned counsel for the respondents appears and has been heard. The stand of the petitioner with regard to non-supply of inspection 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 inspection report to the petitioner has resulted in violation of natural justice and thus the decision making process stands vitiated. The impugned order dated 20.01.2018 (Annexure-7) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Maharajganj, Siwan for taking decision afresh in the matter after supplying a copy of the inspection 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 inspection 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/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	13.07.2018
Transmission Date	N.A.

