

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11263 of 2016

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Anirudh Prasad Mehta son of Late Jhako Prasad Mehata resident of Village
Makdampur, P.S. Puraini, District Madhepura.

.... Petitioner

Versus

1. The State of Bihar.
2. The Divisional Commissioner, Saharsa.
3. The District Magistrate, Madhepura.
4. The Sub Divisional Officer, Udakishunganj Madhepura.
5. The District Supply Officer, Madhepura.
6. The Block Development Officer, Puraini, District Madhepura.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar Mishra, Advocate

For the Respondents : Mr. Arvind Kumar, AC to SC 18

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 18-01-2018

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 quashing the order contained in memo no. 1924-
2 dated 06.08.2014 issued under the signature of
respondent no. 3 by which the license no. 79 of 2007 of
the petitioner under Public Distribution System is
cancelled in most arbitrary manner.*

*(ii) For quashing the order dated 31.03.2015 signed on
15.04.2015 passed in appeal no. 11 of 2014 passed by the
learned District Magistrate, Madhepura by which the
appeal has been rejected.*

*(iii) For quashing of the order dated 31.05.2016 passed
in Supply Revision Case No. 117 of 2015 whereby and
whereunder the order of the respondent District*



Magistrate has been upheld by the respondent Divisional Commissioner, Saharsa.

(iv) For direction upon the respondent authorities to restore the license of the petitioner forthwith.

(v) Any other order or orders as your Lordships may deem fit and proper in the facts and circumstances of the case be granted to 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 4 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 had been relied upon in the impugned order. Such infirmity could not be cured in the appeal as well as in the revision.

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 in the counter affidavit.

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 revisional order dated 31.05.2016 in Supply Revision Case



No. 117 of 2015 (Annexure-11); the appellate order dated 31.03.2015 passed in appeal no. 11 of 2014 and the impugned order of cancellation of licence dated 06.08.2014 (Annexure-5) are hereby quashed and the matter is remanded to the Sub-Divisional Officer, Udakishunganj, District Madhepura (respondent no. 4) 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.

B.T/-

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	23.01.2018
Transmission Date	N.A.

