

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5926 of 2014

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Prem Narayan Singh, S/O Late Ganga Singh, Resident Of Village- Pokhraira,
P.S.- Saraiya, District- Muzaffarpur

.... Petitioner

Versus

1. The State Of Bihar
2. The Collector, Muzaffarpur
3. The Sub-Divisional Officer, West, Muzaffarpur
4. The Block Supply Officer, Saraiya, Muzaffarpur

.... Respondents

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Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Advocate
Mr. Dhananjaya Nath Tiwari, Advocate

For the Respondents : Mr. Priyank Deepak, AC to SC 19

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 07-03-2018

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

2. The present writ petition has been filed for quashing the
order dated 19.10.2012, issued vide memo no. 1286 dated 19.10.2012
by which the learned Sub-Divisional Officer, West Muzaffarpur was
pleased to cancel the licence being licence no. 23040153/2011 of the
petitioner granted for carrying on business under the Public
Distribution System, as a P.D.S. dealer and further for quashing the
order dated 09.04.2013 passed by learned Collector, Muzaffarpur in
Case No. 20PDS/2012-13 by which the appeal preferred was rejected
and the order of learned S.D.O. dated 19.10.2012 was affirmed.

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 18 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 had been relied upon in the impugned order. Such infirmity could not be cured in the appeal as well.

4. Learned counsel for the respondents appears and has been heard. The stand of the petitioner with regard to non-supply of the 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 appellate order dated 09.04.2013 passed by the Collector, Muzaffarpur in Case No. 20PDS/2012-13 (Annexure-2) and the impugned order dated 19.10.2012 (Annexure-1) are hereby quashed and the matter remanded to the Sub-Divisional Officer, West Muzaffarpur 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)

B.T/Chandran

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

