

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16034 of 2015

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Arjun Ram Son of Late Mangani Ram, Resident of Village - Khoria Patti, P.S. -
Mirganj, District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar through, The Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
3. The Collector - cum - District Magistrate, Gopalganj.
4. The District Supply Officer, Gopalganj.
5. The Sub - Divisional Officer, Hathua, District - Gopalganj.
6. The Block Supply Officer, Hathua, District - Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Pandey No-5

For the Respondent/s : Mr. AAG11- ASHOK KUMAR KESHARI

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 18-08-2018

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 01.07.2015 passed by the Collector, Gopalganj in Supply
Appeal Case No. 38/14 and the impugned order dated 29.11.2014 as
contained in memo no. 2227/C passed by the Sub-Divisional Officer,
Hathua, District Gopalganj by which the PDS licence of the petitioner
has been cancelled and monthly allotment has been stopped; and
further to restore the petitioner's licence.



3. Learned counsel for the petitioner makes a short submission to assail the impugned order on the ground that the show cause notice served upon the petitioner does not indicate specifically the non-deposit of advance money whereas among others this ground has also been taken in the impugned order of cancellation and he was not given any opportunity of being heard or adducing evidence in that regard. A specific stand has been taken in para 21 of the writ petition that the impugned order of cancellation of licence has been passed without serving a proper show cause upon the petitioner indicating all the grounds, though the same had been relied upon in the impugned order.

4. Learned counsel for the respondents appears and has been heard.

5. In the above view of the matter, this Court is satisfied that the show cause notice did not contain the specific grounds on which the licence has been cancelled and has resulted in violation of natural justice and thus the decision making process stands vitiated. The impugned order dated 29.11.2014 (Annexure-5) as also the appellate order dated 01.07.2015 (Annexure-8) are hereby quashed and the matter remanded to the Sub-Divisional Officer, Hathua, District Gopalganj for taking decision afresh in the matter after serving a proper show cause notice upon the petitioner and granting an



opportunity of hearing in accordance with law. Licence of the petitioner shall be restored without delay until fresh orders are passed by the respondent no. 5.

6. It is made clear that in case the stand of the petitioner denying non-service of proper show cause notice 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)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
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