

## IN THE HIGH COURT OF JUDICATURE AT PATNA

### Civil Writ Jurisdiction Case No.6685 of 2015

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Deowali Ravidas Son of Late Maheshi Ravidas, Resident of village- Padaria,  
Panchayat- Jhikatia, Prakhand + P.S. Bodh Gaya, District- Gaya

.... .... Petitioner

Versus

1. The Commissioner, Magadh Division Gaya
2. The District Magistrate, Gaya.
3. The Sub-Divisional Officer, Sadar, Gaya.
4. The Block Supply Officer, Sadar, District- Gaya.

.... .... Respondents

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#### Appearance :

For the Petitioner : Mr. N.K. Agrawal, Sr. Advocate  
Mr. Dhananjaya Nath Tiwari, Advocate  
For the Respondents : Mr. S.K. Saraf, AC to GP 7

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL JUDGMENT

**Date: 07-08-2018**

Heard learned counsel for the petitioner as well as learned  
counsel for the respondents.

2. The present writ petition has been filed for quashing the  
revisional order dated 13.12.2012 passed by learned Commissioner,  
Magadh Division, Gaya in Supply Revision Case No. 247/2012, the  
appellate order 27.04.2012 passed by learned Collector, Gaya in Supply  
Appeal No. 62/2008 and the impugned order dated 28.01.2008 passed  
by the Sub-Divisional Officer, Sadar, Gaya by which the petitioner 's  
licence for running the PDS shop 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 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 paragraphs 4 and 5 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 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 revisional order dated 13.12.2012 passed by learned Commissioner, Magadh Division, Gaya in Supply Revision Case No. 247/2012 (Annexure-1), the appellate order 27.04.2012 passed by learned Collector, Gaya in Supply Appeal No. 62/2008 (Annexure-2) and the impugned order dated 28.01.2008 passed by the Sub-Divisional Officer, Sadar, Gaya (Annexure-3) are hereby quashed and



the matter remanded to the Sub-Divisional Officer, Sadar, Gaya (respondent no. 3) 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. Licence of 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

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