

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14325 of 2016

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Ram Sundari Devi W/o Late Nawal Kishore Paswan R/o vill. - Malti, P.S. &
Block - Barauni, Sub Division Begusarai, District Begusarai

.... Petitioner

Versus

1. The State of Bihar
2. The Deputy Secretary, Food Supply & Commerce Department, Govt. of Bihar,
Patna
3. The Commissioner, Munger Division, Munger
4. The District Magistrate, Begusarai
5. The District Supply officer, Begusarai
6. The Sub - Divisional officer, Begusarai
7. The Block Supply officer, Barauni, Begusarai

.... Respondents

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Appearance :

For the Petitioner : Mr. Shubhesh Pandey, Advocate

For the Respondents : Mr. Alok Ranjan, AC to AAG5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 09-05-2018

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

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

*“(a) For issuance of appropriate writ commanding
and directing the respondents authorities to restore
the P.D.S. license of the petitioner, by quashing the
order dated 17.05.2016 in the Misc. Appeal No.
63/2012 passed by the District Magistrate, Begusarai
and also the order dated 17.04.2012 passed by the
SDM, Begusarai vide the letter bearing no. 261 vide
which the PDS license of the petitioner has been
cancelled without having any valid reason and
without any complaint by the consumer or
beneficiary of the area of the petitioner.*



(b) For the issuance of an appropriate order/ Direction/Writ to issue the appropriate order/ Direction/Writ to restore the license of the petitioner, who has always obeyed, honored, recognized and respected the law formulated by the legislator regarding the Public Distribution system under Bihar Public Distribution System (Control) Orders and that's why she is working there since very long period i.e. since 2006.

(c) For the issuance of any other Relief/Reliefs to which the petitioner may be found entitled to in the facts and circumstances of the present case."

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 she 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 7 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.

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 17.05.2016 passed by the Collector, Begusarai in Misc. Appeal Case No. 63/2012 (Annexure-3) and the impugned order dated 17.04.2012 (Annexure-1) are hereby quashed and the matter remanded to the Sub-Divisional Officer, Sadar Begusarai 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. 6.

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.

