

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3161 of 2018

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Shivnandan Paswan, Son of Basant Paswan, Resident of Village- Lodipur,
Police Station- Praiya, District- Gaya.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary Department of food and Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub-Divisional Officer, Tikari, District- Gaya.
4. The Block Supply Officer, Paraiya, Dist.- Gaya.

.... Respondents

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Appearance :

For the Petitioner : Mr. Binay Kumar, Advocate.

For the Respondents : Mr. Arvind Ujjwal, SC-4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 23-02-2018

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 20.06.2017 contained in Memo No. 422 passed by the
learned Sub-Divisional Officer, Tikari, Gaya whereby the petitioner's
P.D.S. license had been suspended and by consequential order dated
19.12.2017 contained in Memo no. 1127 the P.D.S. license No. 34/16 of
the petitioner granted under the Bihar Targeted P.D.S. (Control) Order,
2016 has been cancelled; and for a direction upon the respondent no. 3
to continue allocation to the public Distribution System Shop of the
petitioner after declaring the cancellation order null and void.

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-8 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 has been relied upon in the impugned order..

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, as no counter affidavit has been filed till date.

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 impugned order dated 20.06.2017 (Annexure-1) and the order dated 19.12.2017 (Annexure-2) are hereby quashed and the matter remanded to the Sub-Divisional Officer, Tikari, District- Gaya, 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)

Md. Ibrarul/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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