

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.12986 of 2018**

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Satanarayan Prasad son of Surya Prasad, resident of Lipni, P.S. Mainatand,  
District- West Champaran.

.... .... Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate Bettiah, West Champaran.
3. The Sub Divisional Officer, Narkatiaganj, West Champaran.
4. The District Supply Officer, West Champaran.

.... .... Respondents

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**Appearance :**

For the Petitioner : Mr. Sanjeev Kumar Mishra, Advocate.

For the Respondents : Mr. Arvind Ujjwal, SC4

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

**ORAL JUDGMENT**

**Date: 10-07-2018**

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

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

*“(i) For issuance of an appropriate writ in the nature of  
Certiorari quashing the order dated 23.02.2016 by which  
the license no. 18/2007 of the petitioner under Public  
Distribution System has been cancelled by the respondent  
Sub-Divisional Officer.*

*(ii) For directing upon the respondent authorities to  
restore the license of the petitioner forthwith.*

*(iii) Any the petitioner further prays to restore the license  
of the petitioner forthwith.”*

3. Learned counsel for the petitioner makes a short



submission to assail the impugned order on the ground that a copy of the inspection 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 inspection 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 inspection 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 inspection report to the petitioner has resulted in violation of natural justice and thus the decision making process stands vitiated. The impugned order dated 23.02.2016 (Annexure-3) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Narkatiaganj, West Champaran for taking decision afresh in the matter after supplying a copy of the inspection 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 inspection 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/-

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