

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13846 of 2018

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Smt. Savitri Devi, Wife of Suresh Prasad Yadav, Resident of Mohalla- Panchayat
Mahapatiya, Block- Madhepur, Police Station- Bheja, District- Madhubani.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply
Department, Govt. of Bihar, Patna.
2. The District Magistrate-cum-Collector, Madhubani.
3. The Sub-Divisional Officer, Jhanjharpur.
4. The Block Supply Officer, Madhepur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Akash Chaturvedi
For the Respondent/s : Mr. S. RAZA AHMAD- AAG5

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

Date: 21-08-2018

Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

Petitioner seeks quashing of the order dated 10.11.2107
issued vide Memo No. 96 by the Licensing Authority i.e. respondent
no. 3, the Sub-Divisional Officer, Jhanjharpur, whereby his PDS
Licence No. 42 of 2016 has been cancelled.

The main ground for assailing the cancellation order is that
no enquiry report was served on the petitioner. Enquiry dated
05.11.2017 was conducted by the Licensing Authority on the PDS
shop of the petitioner and only 24 hours time was given to the
petitioner to produce all the registers and time for 3 days was given to



file his show cause reply which was highly insufficient. The matter is now no longer res integra as held in the case of **Krishnadeo Singh Vs. The State of Bihar & Ors. passed in C.W.J.C. No. 12559 of 2017** as the enquiry report which forms the basis for cancellation of licence of the petitioner has been passed without providing a copy of the enquiry report and also the copy of list of beneficiaries who had complained regarding non-supply or less supply. It is further to be noted that 24 hours time to show the registers and 3 days time to file a reply also is insufficient as held in the case of **Smt. Fulpati Devi Vs. The State of Bihar since reported in 2013(1) P LJR 718.**

Hence, in view of the matter, this Court is satisfied that non-supply of the enquiry report and non-supply of list of beneficiaries who had complained against the petitioner and time of 4 days given to file show cause and produce registers has resulted in violation of principles of natural justice, hence, decision making process stands vitiated. The impugned order dated 10.11.2017 issued by the Sub-Divisional Officer, Jhanjharpur, as contained in Annexure-5 is hereby quashed and the matter was remanded to the Sub-Divisional Officer, Jhanjharpur, for taking decision afresh in the matter after supplying the copy of the enquiry report and list of beneficiaries who had complained against the petitioner and also



granting an opportunity of hearing in accordance with law. Supplies to the petitioner shall be restored forthwith until fresh orders are passed by the respondent no. 3, the Sub-Divisional Officer, Jhanjharpur.

Writ application stands allowed as above.

(Nilu Agrawal, J)

Devendra/Priyanka

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.08.2018
Transmission Date	NA

