

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15784 of 2018

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Sarreekat Hussain, Son of Late Asgar Ansari, Resident of Grma Majhariya Shekh
P.S. Majhaulia, Distict-West Champaran. Petitioner/s

Versus

1. The State of Bihar through the Divisional Commissioner, Tirhut range,
Muzaffarpur.
2. The Divisional Commissioner, Tirhut Range, Muzaffarpur.
3. The District Magistrate, West Champaran, Bettiah.
4. The Sub Divisional Officer, Bettiah, West Champaran.
5. The District Supply Officer, Bettiah.
6. The Block Supply Officer, Sikta, Majhaulia, West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra
For the Respondent/s : Mr. ARVIND UJJWAL- SC4

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

Date: 23-08-2018

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

Petitioner challenges the order of cancellation of his
PDS licence being Licence No. 18 of 2007-16 of 2016 dated
17.11.2016 by the respondent no. 4 the Sub Divisional Officer,
Bettiah, West Champaran on the ground that show cause notice
dated 24.09.2016 postulated 3 days time to file reply which is
highly insufficient in view of the order dated passed in the case of
Smt. Fulpati Devi Vs. The State of Bihar since reported in
2013 (1) PLJR 718.



Learned counsel for the petitioner submits that although list of 24 beneficiaries, who had complained against the petitioner has been taken into consideration by the Licensing Authority while passing the cancellation order but only list of seven beneficiaries was given in the show cause notice and a bald statement has been made with regard to 42 units/beneficiaries. He further submits that no enquiry report has been served on the enquiry conducted by the Block Supply Officer, hence the entire decision making process is violative of principles of natural justice and the decision of cancellation stands vitiated.

Learned counsel for the State appears and is heard.

Considering that the show cause notice does not contain the entire list of beneficiaries, who have been taken into account while passing the cancellation order as only seven beneficiaries have been stated in the show cause notice whereas complain of 24 beneficiaries have been taken, the enquiry report have not been served on the petitioner and that only 3 days notice to file reply to the show cause has been given which is in violation of principles of natural justice. Hence, the cancellation order dated 17.11.2016 stands quashed. Supplies to the petitioner be restored forthwith. However, the matter is remanded to the Licensing Authority i.e. respondent no. 4, the Sub-Divisional



Officer, Bettiah, West Champaran to issue fresh show cause notice in accordance with law.

Writ application stands allowed.

(Nilu Agrawal, J)

Devendra/Priyanka

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.08.2018
Transmission Date	NA

