

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4878 of 2018

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Chhotelal Prasad @ Chhotelal Prasad Chaurasiya, son of Sri Surya Bhagat Chaurasia, resident of village Srinagar, Police Station Srinagar Pujaha, Circle Thakraha, District West Champaran at Bettiah

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food & Civil Supply, Government of Bihar, Patna.
2. The District Magistrate, District West Champaran at Bettiah
3. The Sub-Divisional Officer, Bagaha, District West Champaran at Bettiah
4. The Block Supply Officer, Thakraha, West Champaran at Bettiah

.... Respondents

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Appearance :

For the Petitioner : Mr. Raghunandan Kumar Singh, Advocate
For the Respondents : Mr. S. Raza Ahmad, AAG-5
Mr. Alok Ranjan, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 14-05-2018

Heard learned counsel for the petitioner as well as
learned counsel for the respondents.

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

“(i) For issuance of appropriate writ/writs, order/orders, direction/directions for quashing of the order dated 16/01/2016 issued by the Respondent No. 3 by which the P.D.S. Shop dealer License No. 27 of 2007 has been cancelled and also to quash the order dated 29/08/2017 passed in Case No. C.R.M. 30 of 2015-16 by the Respondent No. 2 by which the Respondent No. 2 has been pleased to affirm the original order dated 16/01/2016 and rejected appeal of the petitioner.

(ii) For any other appropriate writ/writs, order/orders



or direction/directions to which the petitioner may be found entitled 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 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 paragraphs 2 and 3 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, 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 appellate order dated 29.08.2017 passed by the Collector, West Champaran at Bettiah in Case No. C.R.M. 30 of 2015-16 (Annexure-5) and the impugned order dated 16.01.2016 (Annexure-4)



are hereby quashed and the matter remanded to the Sub-Divisional Officer, Bagaha, District West Champaran at Bettiah 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)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	21.05.2018
Transmission Date	N.A.

