

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13646 of 2017

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Chandrashekhar Panjiyar, Son of Bhujangi Panjiyar, Resident of Village-Chutia, P.S. - Banka, District - Banka, at present PACS Manager-cum-Chief Executive Officer, Chutia PACS Limited.

.... Petitioner

Versus

1. The State of Bihar through Principal Secretary, Food & Civil Supply, Government of Bihar, Patna.
2. The District Magistrate, District- Banka.
3. The District Supply Officer, District- Banka.
4. The Sub Divisional Officer, District- Banka.
5. The Block Development Officer, Banka, District- Banka.

.... Respondents

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Appearance :

For the Petitioner : Mr. Rakesh Kumar Sharma

Ms. Neelam Kumari, Advocates

For the Respondents : Mr. Upendra Pratap Singh, AC to SC4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 01-05-2018

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 quashing the order contained in Gyapank No. 747 dated 26.08.2017 issued under the signature of Respondent No. 4 Sub Divisional Officer, Banka (Annexure-5) by which the PDS licence bearing Licence No. 52/2012 in the name of PACS, Chutiya has been cancelled in utter violation of Principle of natural justice and without proper consideration of the facts of the present case.

(ii) For a direction to reinstate the licence of the PACS, Chutia bearing Licence No. 52/2012.



(iii) For any other relief or reliefs if petitioner found entitled in the facts and circumstances of the 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 paragraph 10 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 had 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 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 impugned order contained in Gyapank No. 747 dated 26.08.2017 is hereby quashed and the matter remanded to the Sub-Divisional Officer, Banka 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. 4.

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/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	04.05.2018
Transmission Date	N.A.

