

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7083 of 2018

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Kumod Devi, Chair Person, Magahiya Primary Agricultural Credit Society,
Block-Panchdeori, District-Gopalganj, Wife of Kamlesh Tiwari, Resident of
Village-Nripat Chhapar, P.O.-Chhitouna, P.S.-Kateya, District-Gopalganj.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
3. The Collector-Cum-District Magistrate, Gopalganj.
4. The Sub-Divisional Officer, Hathua, District-Gopalganj.
5. The Circle Officer, Panchdeori, District-Gopalganj.
6. The Block Supply Officer, Panchdeori, District-Gopalganj.
7. The Principal Secretary, Department of Co-operatives, Government of Bihar, Patna.
8. The Registrar, Co-operative Societies, Department of Co-operative Government of Bihar, Patna.
9. The District Co-operative Officer, Gopalganj.
10. The Block Co-Operative Officer, Panchdeori, District-Gopalganj
11. Ashok Singh Son of Late Jagdish Singh, Resident of Village & P.O.-Chhitouna, PS - Kateya, District-Gopalganj.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjay Kumar Pandey No-5, Advocate

For the Respondents : Mr. Alok Ranjan, AC to AAG5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 19-06-2018

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

2. The present writ petition has been filed for quashing of
Memo No. 19 dated 19.02.2018 (Annexure-7) issued by the Block
Supply Officer, Panchdeori by which it has been communicated that the
place of business of the PDS shop (relating to Magahiya PACS) has been



shifted to the Magahiya PACS Godown; for quashing the order in Memo No. 259 dated 03.02.2016 issued by the Sub-Divisional Officer, Hathua shifting the place of business of the PDS shop as aforesaid by reviewing the earlier order in Memo No. 180 dated 30.01.2016 (Annexure-4); and for connected reliefs.

3. Learned counsel for the petitioner makes a short submission to the effect that an order was passed in favour of the petitioner vide memo no. 180 dated 30.01.2016 (Annexure-4). However the same was reviewed and reversed vide impugned order of the S.D.O. in memo no. 259 dated 03.02.2016 as communicated by the impugned order vide memo no. 19 dated 19.02.2018 by the Block Supply Officer, Panchdeori, by which the place of business of PDS shop was shifted to Magahiya PACS Godown, without however serving any show cause notice upon the petitioner for grant of an opportunity of hearing.

4. Learned counsel for the respondents appears and has been heard. A counter affidavit has been filed on behalf of the respondents but however the stand of the petitioner has not been controverted.

5. In the above view of the matter, this Court is satisfied that non-service of the show cause notice to the petitioner has resulted in violation of natural justice and thus the decision making process stands



vitiated. The impugned order passed by the SDO, Hathua, as contained memo no. 259 dated 03.02.2016 and communicated by the impugned order vide memo no. 19 dated 19.02.2018 by the Block Supply Officer, are hereby quashed and the matter remanded to the Sub-Divisional Officer, Hathua, District Gopalganj for taking decision afresh in the matter after serving show cause notice upon 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 non-service of the show cause notice 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 disposed of as above.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	23.06.2018
Transmission Date	N.A.

