

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14335 of 2015

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1. Mohd. Babudeen, Son of Late Nathu Mian, Resident of Village - Baghi (Bagambharpur), Police Station - Srinagar Pujaran, District - West Champaran.
2. Sabina Khatoon, Daughter of Vakil Mian, Resident of Village - Baghi (Bagambharpur), Police Station - Srinagar Pujaran, District - West Champaran.
..... Petitioners

Versus

1. The State of Bihar through Principal Secretary, Department of Food & Public Distribution, Patna.
2. The Principal Secretary, Department of Food & Public Distribution, Patna.
3. The District Magistrate, West Champaran at Bettiah.
4. The Sub Divisional Officer, Bettiah Sadar, East Champaran.
5. District Supply Officer, West Champaran at Bettiah.
6. Block Development Officer, Berriah, West Champaran.
7. Block Supply Officer, Berriah, West Champaran.

..... Respondents

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Appearance :

For the Petitioners : Mr. Ashok Kumar Singh, Sr. Advocate
Mr. Prabhat Kumar Singh,
Mr. Prem Ranjan Raj, Advocates

For the Respondents : Mr. Manoj Kumar, AC to GP 4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-04-2018

Heard learned senior counsel for the petitioners as well
as learned counsel for the respondents.

2. The present writ petition has been filed for the
following reliefs—

“(i) For quashing the order issued by memo no. 589 dated 31.08.2015 issued by Sub Divisional Officer, Bettiah Sadar whereby and whereunder a direction has been given against the petitioners to Block Supply Officer, Berriah to prepare a seizure list of food grains of petitioners of Fair price shop under Public Distribution System. After opening the seal of the said shop and lodge an FIR against both the petitioners.



(ii) For quashing the letter issued by Block Supply Officer issued vide memo no. 158 dated 31.08.2015 whereby and whereunder the fair Price Shop of both the petitioners have been attached with, Fair Price Shop of M/S Ramjee Prasad Sah, for distribution for food grains.

(iii) For any other relief/reliefs for which the petitioners may be entitled in the facts and circumstances of this case.”

3. Learned senior counsel for the petitioner makes a short submission to assail the impugned order. It is pointed out that pursuant to the order of the District Magistrate dated 13.08.2015, a Three-Men Committee carried out an inspection on 18.08.2015 in the petitioners' shop premises and submitted its report dated 21.08.2015 (Annexure-E to the counter affidavit) which has been relied upon while passing the impugned order dated 04.09.2015. It is submitted that a copy of such enquiry report dated 21.08.2015 was however never made available to the petitioners and hence, they have been precluded from furnishing an effective reply in the matter which is in violation of the principles of natural justice.

4. Learned counsel for the respondents points out that on physical verification being made by the Enquiry Committee on 18.08.2015, details of shortages of food grains were made available to the petitioner no. 1 (at page 106 of the brief).

5. Having heard learned counsel for the parties, this Court is satisfied that non-supply of the enquiry report dated 21.08.2015 to the



petitioners has resulted in violation of natural justice and thus the decision making process stands vitiated. The impugned order dated 04.09.2015 (Annexure-9) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Bettiah Sadar, West Champaran for taking decision afresh in the matter after supplying a copy of the enquiry report to the petitioners and granting an opportunity of hearing in accordance with law. Supplies to the petitioners 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 petitioners 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
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