

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.436 of 2018

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Rambrat Prasad Yadav, son of Sukar Yadav, resident of Village- Feru Bigha,
Village Panchayat- Tankuppa, Police Station- Tankuppa, District- Gaya.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The Divisional Commissioner, Magadh Division, Gaya.
3. The District Magistrate, Gaya.
4. The Sub- Divisional Officer, Sadar Gaya, District- Gaya.
5. The Block Supply Officer, Tankuppa, District- Gaya.

.... Respondents

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Appearance :

For the Petitioner : Mr. Binay Kumar, Advocate

For the Respondents : Mr. S. Raza Ahmad -AAG5

Mr. Alok Ranjan, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-02-2018

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

2. The present writ petition has been filed for quashing the order contained in memo no. 932 dated 23.11.2017, passed by learned Sub-Divisional Officer, Sadar Gaya by which the license no. 07/07(old)/05/16(new) of the petitioner granted under Bihar Targeted Public Distribution System (Control) Order, 2016 has been cancelled and for a direction upon the respondent no. 4 to continue allocation of PDS shop to the petitioner.

3. Learned counsel for the petitioner makes a short



submission to assail the impugned order of cancellation on the ground that the same has been passed on 23.11.2017, as till that date show cause notice was not served upon the petitioner. The impugned order has therefore been passed without grant of opportunity to the petitioner of being heard in the matter.

4. Learned counsel for the respondents appears and has been heard.

5. Having heard learned counsel for the parties and on careful consideration of the materials available on record, this Court finds merit in the writ petition. In the instant case, no show cause notice is said to have been served upon the petitioner till 23.11.2017 on which date itself the impugned order was passed. Clearly therefore the petitioner was denied an opportunity of hearing prior to passing of the impugned order which is violative of the principles of natural justice and hence unsustainable in law.

6. In the above view of the matter, the impugned order contained in memo no. 932 dated 23.11.2017, (Annexure-1) is hereby quashed and the matter is remanded to the Sub-Divisional Officer, Sadar Gaya (respondent no. 4) for passing the orders afresh after grant of reasonable opportunity of hearing to the petitioner in accordance with law. Supplies to the petitioner shall be restored without delay until fresh orders are passed by the respondent no. 4.

7. The writ petition stands allowed as above.



B.T/Chandran

(Vikash Jain, J)

AFR/NAFR	NAFR
CAV DATE	N.A.
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