

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13376 of 2017

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Raghunandan Mahto, Son of Late Kebi Mahto, Resident of Village + P.O. + P.S.-
Maheshkhunt, District-Khagaria.

.... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Food and Consumer Protection,
Govt. of Bihar, Patna.
3. The District Magistrate, Khagaria.
4. The Sub-Divisional Officer-Cum-Licensing Officer, Gogri, District-Khagaria.
5. The District Supply Officer, Khagaria, District-Khagaria.
6. The Block Supply Officer, Gogri, District-Khagaria.

.... Respondents

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Appearance :

For the Petitioner : Mr. Amrendra Kumar, Advocate

For the Respondents : Mr. Lalan Kumar, AC to GP9

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-02-2018

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) To quash the order bearing memo No. 2020 dated
24.11.2016 issued under the signature of the Sub-
Divisional Officer-cum-Licensing Officer, Gogri
whereby and whereunder he has cancelled the P.D.S.
License of the petitioner bearing License No. 30G/2007
granted to the petitioner for carrying on business
within the village Maheshkhunt under the Block Gogri
and within the District Khagaria on the basis of
inspection report of Supply Officer Gogri dated
12.09.2016 and surprisingly inspection made by*



himself dated 24.11.2016. Moreover, while passing the impugned order, the respondent has not given opportunity of being heard.

(ii) To direct the Respondent authority particularly the Respondent No. 5 to restore the P.D.S. License of the petitioner forthwith and permit him to function as P.D.S. dealer.”

3. Learned counsel for the petitioner makes a short submission to assail the impugned order on the ground that show cause notice was not served upon the petitioner and he was never provided with an opportunity of being heard or adducing evidence in that regard. A specific stand has been taken in paragraph 9 of the writ petition that the impugned order of cancellation of licence has been passed without serving show cause notice to the petitioner.

4. Learned counsel for the respondents appears and has been heard. The stand of the petitioner with regard to non-issuance of show cause notice 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-issuance of show cause notice to the petitioner has resulted in violation of natural justice and thus the decision making process stands vitiated. The impugned order bearing memo No. 2020 dated 24.11.2016 issued under the signature of the Sub-Divisional Officer-cum-Licensing Officer, Gogri (Annexure-2) is hereby quashed and the



matter is remanded to him 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. 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	26.02.2018
Transmission Date	N.A.

