

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17542 of 2017

=====

Ram Charitra Paswan, S/o Late Kailash Paswan, Resident of Village -
Raghunathpur, P.S. - Fatehpur, District- Gaya.

.... Petitioner

Versus

1. The State of Bihar through Secretary, Food & Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate, Gaya.
3. The SDO, Sadar Gaya.
4. The Block Supply Officer, Mohara, Gaya.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Vijay Anand, Advocate

For the Respondents : Mr. Arvind Ujjwal, SC4

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-01-2018

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 dated 10.11.2017 passed by S.D.O. Sadar Gaya contained in
Memo No. 744 whereby and whereunder the PDS license being
License No. 40/2016 (New) and License No. 60/2007 (Old) granted to
the petitioner for running a PDS shop within the Panchayat
Charokhari Block Fatehpur, District Gaya was cancelled.

3. Learned counsel for the petitioner makes a short
submission to assail the impugned order on the ground that show
cause notice as well as a copy of the enquiry report were not provided
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 15 of the writ petition that the impugned order of cancellation of licence has been passed without providing show cause notice as well as 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 show cause notice as well as copy 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 show cause notice as well as the enquiry report to the petitioner has resulted in violation of natural justice and thus the decision making process stands vitiated. The impugned order dated 10.11.2017 (Annexure-1) is hereby quashed and the matter is remanded to the Sub-Divisional Officer, Sadar, Sadar Gaya (respondent no. 3) for taking decision afresh in the matter after serving show cause notice on the petitioner as well as after supplying a copy of the enquiry report to him 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 show cause notice and a copy of 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	09.01.2018
Transmission Date	N.A.

