

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17131 of 2017

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Shankar Rai, son of Sh. Ramanand Rai, resident of Village- Khardeur Mahna
Kuli, Post & Police Station- Chanpatia, District- West Champaran.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food & Civil Supply, Government of Bihar, Patna.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate, West Champaran at Bettiah.
4. The Sub- Divisional Officer, Bettiah, District- West Champaran.
5. The Block Supply Officer, Chanpatia Block, District- West Champaran at Bettiah.

.... Respondents

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Appearance :

For the Petitioner : Mr. Manoj Kumar
Mr. Chandan Kumar, Advocates.
For the Respondents : Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 23-01-2018

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) For issuance of writ in the nature of certiorari
quashing the order contained in Memo No. 365/Aa, dated
06.08.2016, whereby and whereunder the Sub-Divisional
Officer, Bettiah has cancelled the license of the fair price
shop of the petitioner (Annexure-6)..*

*(II) For directing the licensing authority to restore the
P.D.S. license No. 19/2007 in the name of the petitioner
and further be issued his unite continuing allotment to the
said fair price shop for distribution among the respective
consumers. .*



(C) Any other relief or reliefs for which the petitioner is entitled for.”

3. Learned counsel for the petitioner makes a short submission to assail the impugned order on the ground that neither any copy of the enquiry report nor any copy of the seizure list was supplied to the petitioner and he was never given an opportunity of being heard or adducing evidence in that regard. A specific stand has been taken in paragraph-8 of the writ petition that the impugned order of cancellation of licence has been passed without supplying any copy of the enquiry report and seizure list to the petitioner. Thus, there is a clear violation of principles of natural justice.

4. Learned counsel for the respondents appears and has been heard. The stand of the petitioner with regard to non-supply of copy of the enquiry report and seizure list to the petitioner 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 copy of the enquiry report and seizure list to the petitioner has resulted in violation of natural justice and thus the decision making process stands vitiated. The impugned order dated 06.08.2016 (Annexure-6) is quashed and the matter remanded to the Sub-Divisional Officer, Bettiah, West Champaran, for taking decision afresh in the matter after supplying a copy of the enquiry report and seizure list to 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 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)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	30.01.2018
Transmission Date	N.A.

