

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15269 of 2017

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Badru Ram Singh, S/o Pahal Ram Singh, Resident of Golagachh, P.S.- Pothia,
District- Kishanganj.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Food & Consumer Protection, Government of Bihar, Patna.
2. The Collector, Kishanganj.
3. The Sub Divisional Officer, Kishanganj.
4. The Block Supply Officer, Pothia.

.... Respondents

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Appearance :

For the Petitioner : Mr. Dhananjaya Nath Tiwari, 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 and learned counsel
for the respondents.

2. The present writ petition has been filed for quashing the order contained in memo no. 57 dated 23.01.2015 passed by the Sub-Divisional Officer, Kishanganj by which PDS licence of the petitioner bearing no. 20P/2007 has been cancelled; and further for quashing the order dated 13.06.2017 passed in PDS Appeal Case No. 34 of 2015 by learned Collector, Kishanganj dismissing the appeal and affirming the order of the S.D.O.; and further for a direction to the respondents to restore the petitioner's licence.

3. Learned counsel for the petitioner makes a short submission to assail the impugned order on the ground that a copy of



the enquiry report was not made available 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 12 of the writ petition that the impugned order of cancellation of licence has been passed without providing a copy of the enquiry report to the petitioner, though the same had been relied upon in the impugned order. Such infirmity could not be cured in the appeal as well.

4. Learned counsel for the respondents appears and has been heard. The stand of the petitioner with regard to non-supply of a 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 a copy of the enquiry report to the petitioner has resulted in violation of natural justice and thus the decision making process stands vitiated. The appellate order dated 13.06.2017 passed by the Collector, Kishanganj in PDS Appeal Case No. 34 of 2015 (Annexure-5) and the impugned order contained in memo no. 57 dated 23.01.2015 passed by the Sub-Divisional Officer, Kishanganj (Annexure-4) are hereby quashed and the matter is remanded to the Sub-Divisional Officer, Kishanganj for taking decision afresh in the matter after supplying a copy of the enquiry report 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. 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
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