

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2879 of 2018

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Ranvijay Kumar S/o Late Yadunandan Prasad Yadav, Resident of Village-PACS
President Cum Operator of PDS Shop, Panchayat Morhe, P.S.-Fatehpur, District-
Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food & Consumer Protection
Department, Old Secretariate, Patna.
2. The SDO, Sadar Gaya.
3. The Circle Officer, Fatehpur, Gaya.
4. The Block Supply Officer, Tankuppa, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Adv

For the Respondent/s : Mr. ARVIND UJJWAL SC4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-04-2018

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. 1175 dated 30.12.2017 passed by the Sub-
Divisional Officer, Sadar, Gaya, by which licence of the petitioner's PDS
shop bearing no. 02/2011 has been cancelled and monthly allotment has
been stopped; and further to restore the petitioner's license.

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 by granting an opportunity of being heard and
adducing evidence in that regard. It is further submitted that the licensing



authority has granted only three days’ time for submission of reply to first show cause notice and 24 hours for replying second show cause, which is unreasonable and insufficient.

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

5. In the above view of the matter, this Court is satisfied that non-supply of 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 30.12.2017 (Annexure-5) is hereby quashed and the matter remanded to the S.D.O., Sadar, Gaya for taking decision afresh in the matter after supplying a copy of the enquiry report to the petitioner and granting adequate opportunity of hearing in accordance with law. Supplies to the petitioner shall be restored without delay until fresh orders are passed.

6. The writ petition stands allowed as above.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

