

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8218 of 2018

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Tarkeshwar Prasad @ Talkeshwar Prasad Son of Shambhu Sah Resident of
Village - Sahar, P.S. - Sahar, District - Bhojpur.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, Bhojpur, Ara.
3. The Sub Divisional Officer, Sadar Ara, Bhojpur.
4. The District Supply Officer, Bhojpur, Ara.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar Mishra, Advocate
For the Respondents : Mr. Arvind Ujjwal, SC-4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 14-05-2018

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 contained in memo no 656 dated 11.04.2018 by which the
license no 15/2007 of the petitioner under public distribution system
has been cancelled and for further direction to the respondents to
restore the license of the petitioner forthwith.

3. Learned counsel for the petitioner submits that the
grounds given in the impugned order of cancellation such as
allegations with regard to the excess rate being charged by the
petitioner and that with regard to closure of the shop, have not been



communicated in the show cause notice. It is therefore submitted that the petitioner has not been confronted with regard to these allegations and has been denied an opportunity of being heard prior to passing of the impugned order of cancellation. Moreover, a copy of the inspection report has also not been provided with the show cause notice.

4. Learned counsel for the respondents appears and has been heard. The stand of the petitioner with regard to non-supply of the inspection 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 the inspection report to the petitioner has resulted in violation of natural justice and thus the decision making process stands vitiated. The impugned order contained in Memo no. 656 dated 11.04.2018 (Annexure-3) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Sadar Ara, District Bhojpur for taking decision afresh in the matter after supplying a copy of the inspection 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 inspection 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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