

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12284 of 2018

Shushil Kumar Shrivastava, the Chairman Maa Self Supporting Group,
son of Mankeshwar Prasad Shrivastava, Resident of Village- Gopla
Math, P.S.- Thawe, District- Gopalganj.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil
Supplies Department, Government of Bihar, Patna.
2. The District Magistrate, Gopalganj.
3. The Sub-Divisional Officer, Gopalganj.
4. The Block Supply Officer-Cum-Marketing Officer, Thawe, Block,
District- Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ranjan Kumar Srivastava
For the Respondent/s	:	Mr. Arvind Ujjwal, SC-4

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT

Date : 10-08-2018

Heard learned counsel for the petitioner and the learned
counsel appearing on behalf of the State.

2. Petitioner seeks quashing of order dated 26.04.2018,
as contained in Annexure-6, passed by the Licensing Authority i.e.
the Respondent No. 3, the Sub Divisional Officer, Gopalganj
whereby the P.D.S Licence No. 48/ 2017 of the P.D.S. shop of the
petitioner has been cancelled.

3. Learned counsel for the petitioner submits that show
cause was issued on 06.02.2018 on inspection done by the
Assistant District Supply Officer and Block Development Officer
on 30.01.2018, but the inspection report has not been served on the
petitioner. Hence, there is violation of principles of natural justice



and the order cancelling the P.D.S. licence of the petitioner stands vitiated.

4. The matter is now no longer *res integra* as non-supply of enquiry report has resulted in violation of principles of natural justice and, thus, the decision making process would stand vitiated, as held in CWJC No. 645 of 20218 vide order dated 03.07.2018. Thus, the impugned order dated 26.04.2018, Annexure-6, passed by the Sub Divisional Officer, Gopalganj is quashed and the matter remanded to the Sub-Divisional Officer, Gopalganj for taking a fresh decision in the matter after supply of copy of the enquiry report and granting opportunity of hearing to the petitioner in accordance with law. Supply to the petitioner be restored without any delay until fresh order is passed by the Respondent No. 3.

5. It is made clear that if the stand of the petitioner denying receipt of enquiry report prior to the order of cancellation having been passed is found to be incorrect, the respondent shall be at liberty to approach this Court for recall of this order.

6. The writ application stands allowed as above.

Rajesh/Pragya

(Nilu Agrawal, J)

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.08.2018
Transmission Date	NA

