

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14195 of 2018

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Laxmi Yadav S/o Srikant Yadav Proprietor M/S Basipatti Panchayat Public Distribution Shop, R/o Baluaha, P.O.- Mahapatiya, P.S. Bhja District- Madhubani, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary Food and Consumer Protection Department, Bihar, Patna.
2. The District Collector, Madhubani.
3. The Sub Divisional Officer, Jhanjarpur, Sub Division, District- Madhubani.
4. District Supply Officer, District- Madhubani.
5. Block Supply Officer, Jhanjarpur Block, District- Madhubani.
6. Assistant District Supply Officer, Phulparas, District- Madhubani.
7. Block Supply Officer, Phulparas, District- Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Mohan Mishra, Advocate
For the Respondent/s : Mr. S.Raza Ahmed, AAG-5

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL JUDGMENT

Date : 02-08-2018

Heard learned counsel for the petitioner and
learned counsel appearing for the State.

2. Petitioner challenges the order bearing
Memo No. 202 dated 09.05.2018, passed by the
Licensing Authority i.e. Sub-Divisional Officer,
Jhanjarpur, Madhubani (Respondent No. 3) by which
PDS licence of the petitioner was cancelled.

3. The main ground of challenge before the
petitioner is that show cause notice, which was issued to
the petitioner, did not contain the enquiry report and non-
supply of enquiry report is violation of principles of



natural justice, as held by this Court in the case of Babulal Chaudhari vs. The State of Bihar and others (C.W.J.C. No. 2989 of 2018) vide judgment dated 03.04.2018.

4. In view of the averments made by the counsel for the petitioner, it *prima facie* appears that an enquiry report was submitted by the Inspecting Team, as is evident from the order cancelling the licence of the petitioner. Hence, non-supply of enquiry report to the petitioner has resulted in violation of principles of natural justice and, thus, the decision making process stands vitiated.

5. Order dated 09.05.2018(Annexure-1) is quashed with a direction to the Respondent No. 3 to take a fresh decision after serving a copy of the enquiry report to the petitioner and granting him opportunity of hearing in accordance with law. Supply to the petitioner will be restored forthwith until fresh order is passed by Respondent No. 3.

6. It is made clear that if the enquiry report has been served on the petitioner prior to cancellation of licence and if the statement of the petitioner has been



found to be incorrect, the respondent will be at liberty to approach this Court for recall of this order.

7. The writ application stands allowed as above.

(Nilu Agrawal, J)

Rajesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.08.2018
Transmission Date	NA

