

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2436 of 2018

=====

Baliram Paswan, son of Chandrama Paswan @ Chandran Bhan Paswan,
resident of Village- Kharauna, Village Panchayat- Moramardana, Police Station-
Cherki, District- Gaya.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The Divisional Commission, Magadh Division, Gaya.
3. The District Magistrate, Gaya.
4. The Sub- Divisional Officer, Sadar Gaya, District- Gaya.
5. The Block Supply Officer, Bodh Gaya, District- Gaya.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Binay Kumar, Advocate.

For the Respondents : Mr. Arvind Ujjwal, SC-4

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 22-02-2018

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The present writ petition has been filed for quashing the order dated 18.01.2018 contained in Memo No. 50 passed by the Licensing Authority cum the Sub-Divisional Officer, Sadar Gaya, whereby the license no. 40/07 (28/16 new) of the petitioner granted under Bihar Targeted Public Distribution System (Control) Order, 2016 has been cancelled; and for direction upon the respondent no. 4 to continue allocation to the Public Distribution System Shop of the petitioner after declaring the cancellation order null and void .

3. Learned counsel for the petitioner makes a short submission to assail the impugned order on the ground that show cause notice was not served upon the petitioner nor any copy of the inquiry report were given and he was never given any opportunity of being heard or adducing evidence in that regard. A specific stand has been taken in paragraphs-6 and 12 of the writ petition that the impugned order of cancellation of licence has been passed without serving show cause notice to the petitioner nor any copy of the enquiry report were supplied to him. Thus, there is a clear violation of



principles of natural justice.

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-service of the show cause notice to the petitioner and non-supply of the copy of the enquiry report to him has resulted in violation of natural justice and thus the decision making process stands vitiated. The impugned order dated 18.01.2018 (Annexure-1) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Sadar Gaya, District- Gaya, for taking decision afresh in the matter after serving show cause notice and supplying of the copy of the enquiry report 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. 4.

6. It is made clear that in case the stand of the petitioner denying non-service of show cause notice 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)

Md. Ibrarul/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	24.02.2018
Transmission Date	N.A.

