

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6819 of 2018

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Nand Kishor Prasad, son of Late Tilakdhari Sao, Resident of Village- Asani,
Village Panchayat- Moramardana, Police Station- M.U. Bodh Gaya, District-
Gaya.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer
Protection Department, Govt. of Bihar at Patna.
2. The District Magistrate, Gaya.
3. The Sub Divisional Officer, Sadar Gaya, District- Gaya.
4. The Block Supply Officer, Bodh Gaya, District- Gaya.

.... Respondents

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Appearance :

For the Petitioner : Mr. Binay Kumar, Advocate

For the Respondents : Mr. Alok Ranjan, AC to AAG5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 19-06-2018

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 dated 07.01.2017 issued vide memo No. 1207 by which the Sub-
Divisional Officer, Sadar Gaya has cancelled the License No. 03/07
(wrongly typed as "07/07") of the petitioner for carrying on business
under the Public Distribution System as a P.D.S. dealer; for quashing
the consequential order dated 13.10.2017 passed in Supply Appeal No.
08/17 by the Collector, Gaya, dismissing the appeal and affirming the
order of the S.D.O., Sadar Gaya; and for connected reliefs.

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 with an opportunity of being heard or adducing evidence in that regard. A specific stand has been taken in paragraph 12 of the writ petition that the impugned order of cancellation of licence has been passed without providing a copy of the enquiry report to the petitioner, though the same had been relied upon in the impugned order. Such infirmity could not be cured in the appeal as well.

4. Learned counsel for the respondents appears and has been heard. The stand of the petitioner with regard to non-supply of the enquiry 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 enquiry report to the petitioner has resulted in violation of natural justice and thus the decision making process stands vitiated. The appellate order dated 13.10.2017 passed by the Collector, Gaya in Supply Appeal Case No. 08/2017 (Annexure-4) and the impugned order dated 07.01.2017 (Annexure-3) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Sadar Gaya for taking decision afresh in the matter after supplying a copy of the enquiry 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 enquiry 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
CAV DATE	N.A.
Uploading Date	26.06.2018
Transmission Date	N.A.

