

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8192 of 2019

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Ashok Kumar Singh, aged aqbout 55 years, male, S/o Late Rampukar Singh R/o Village Nawada Ben, P.S.- Udwant Nagar, Distt.- Bhojpur

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and consumer Protection, Govt. of Bihar, Patna
2. The District Magistrate Bhojpur
3. The Sub Divisional Officer Ara Sadar, Distt.- Bhojpur
4. The District Supply Officer Bhojpur
5. The Block Supply Officer Udwant Nagar, Distt.- Bhojpur

... .. Respondents

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Appearance :

For the Petitioner : Mr. Sarveshwar Tiwary, Advocate.

For the Respondents : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 12-06-2019

The present writ petition has been filed as formulated by the petitioner for quashing the order dated 20.02.2019 passed by the respondent no. 2, the District Magistrate in Rev. Appeal No. 03 of 2016; for quashing the letter no. 2785 dated 10.11.2016 whereby the respondent no. 3, Sub-Divisional Officer has cancelled the public distribution system bearing license no. 55 of 2007.

2. Learned counsel for the petitioner makes a short submission to assail the impugned order on the ground that a copy of the inspection 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 inspection report to the petitioner, though the same has been relied upon in the impugned order. Such infirmity could not be cured in the appeal.



3. None appears on behalf of the State when the matter is called. The stand of the petitioner with regard to non-supply of inspection report has not been controverted, as no counter affidavit has been filed till date.

4. 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 dated 10.11.2016 (Annexure-2) and the appellate order dated 20.02.2019 (Annexure-4) are hereby quashed and the matter remanded to the Sub-Divisional Officer, Ara Sadar, District- Bhohjpur, 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.

5. 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.

6. The writ petition stands allowed as above.

(Vikash Jain, J)

Ibrar/BT

AFR/NAFR	NAFR
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