

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24906 of 2018

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Sanjay Kumar Singh son of Sudama Singh R/o village Rampur Bindgawa, P.S Barhara, District Bhojpur at Ara.

... .. Petitioner

Versus

1. The State Of Bihar, through the Collector-cum-District Magistrate, Bhojpur at Ara
2. Addl. Collector, Bhojpur at Ara.
3. District Manager of the State Food Corporation, Bhojpur at Ara
4. District Supply Officer, Bhojpur at Ara
5. Sub- Divisional Officer, (Supply), Bhojpur at Ara
6. Block Supply Officer, Barahara, District Bhojpur at Ara
7. Block Supply Inspector, Barahara, District Bhojpur at Ara.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Tribhuwan Narayan, Advocate
For the State	:	Mr. Alok Ranjan, AC to AAG 5
For the BSFC	:	Mr. Niraj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date : 10-06-2019

This matter has been heard and is being taken up for final disposal at the admission stage itself with consent of the parties.

2. The present writ petition has been filed for issuance of writ in nature of Mandamus or any other appropriate writ/writ to set aside the order passed by Sub-Divisional Officer (Supply) respondent no. 5, vide Memo No. 2228 dated 23.8.2018, whereby and whereunder PDS license of the petitioner, bearing Licence No. 80/07, has been cancelled.

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 and he was not given any opportunity of being heard or adducing evidence in that regard. A specific stand has been taken in para 10 of the writ petition that the



impugned order of cancellation of licence has been passed without serving show cause notice to the petitioner, though the same had been relied upon in the impugned order.

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 has resulted in violation of natural justice and thus the decision making process stands vitiated. The impugned order contained in Memo No. 2228 dated 23.8.2018 (Annexure-2) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Sadar Ara District Bhojpur for taking decision afresh in the matter after serving show cause notice upon the petitioner and granting an opportunity of hearing in accordance with law. Licence of the petitioner shall be restored without delay until fresh orders are passed by the respondent no. 5.

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)

BT/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	16.06.2019
Transmission Date	N.A.

