

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5648 of 2020

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Jagarnath Prasad, Male 66 years, Son of Balchand Das Resident of Ward No. 30 Haluvai Tola (Ahirani Tola) Bagaha P.S. Mainatanr West Champaran Bagaha.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection, Government of Bihar, Patna.
2. The District Magistrate, Bagaha, West Champaran.
3. The Sub Divisional Officer, Bagaha, West Champaran.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra, Advocate
For the Respondent/s : Mr. Prashant Pratap GP 2

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 12-05-2020

The present writ petition has been received in this Court by email and assigned to this Bench by Hon'ble the Chief Justice as an urgent matter for hearing through video conferencing.

2. A number of defects have been pointed out by the stamp reporter, which remain to be removed. Learned counsel for the petitioner undertakes that all defects shall be removed without delay immediately after the present lockdown ends, and in any event within one month thereof. Learned counsel for the State expresses that he has no objection if the defects are removed as proposed and the matter is thus taken up on merits in view of the stated urgency.

3. The writ petition has been filed for the following reliefs as formulated by the petitioner, and has been taken up for final disposal with the consent of parties —



“i) For issuance of an appropriate writ in the nature of certiorari quashing the order contained in memo no. 121 dated 06.02.2020 passed by the respondent no. 3 by which the licence no. 51/2007 of the petitioner under public distribution system was cancelled.

ii) And the petitioner further prays to restore the licence no. 51/2007 of the petitioner forthwith.

iii) Any other order or orders as your Lordships may deem fit and proper in the facts and circumstances of the case.”

4. 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, but the same has been relied upon in the impugned order. A specific stand has been taken in para 10 of the writ petition that the impugned order of cancellation of his PDS licence has been passed without providing a copy of the inspection report to the petitioner.

5. Learned counsel for the respondents appears and has been heard. The stand of the petitioner with regard to non-supply of the inspection report has not been controverted, as no counter affidavit has been filed.

6. 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 06.02.2020 (Annexure-3) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Bagaha, West Champaran (respondent no. 3) 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. The licence of the petitioner shall be restored without delay until fresh orders are passed by the respondent no. 3.

7. The respondents shall be at liberty to supply scanned copies of the requisite documents to the petitioner on email, as also to conduct the proceedings through video conference, if deemed appropriate. So also, resumption of supply of goods to the petitioner shall abide by all norms applicable in view of the ongoing lockdown and corona virus pandemic.

8. It is made clear that in case the stand of the petitioner denying receipt of the inspection report prior to the order of cancellation having been passed is found to be incorrect, the respondents shall be at liberty to approach this Court for recall of this judgment.

9. The writ petition stands allowed as above. Interlocutory application, if any, also stands disposed of.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NA
CAV DATE	-
Uploading Date	18.05.2020
Transmission Date	-

