

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 6166 of 2020

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Janki Devi, female, aged about 44 years, wife of Harendra Singh, resident of Village Kusre, P.S. Sandesh, District Bhojpur

... .. Petitioner

Versus

1. The State of Bihar
2. The District Magistrate-cum-Collector, Bhojpur.
3. The District Supply Officer, Bhojpur.
4. The District Manager, Bihar State Food Corporation, Bhojpur.
5. The Assistant District Supply Officer, Sadar, Ara, Bhojpur.
6. The Sub-Divisional Officer, Sadar, Ara, Bhojpur.
7. The Block Supply Officer, Sadar and Sandesh, Bhojpur.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Patanjali Rishi, Advocate
For the Respondents	:	Mr. Gyan Shankar, AC to GP 2

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 10-06-2020

This matter has been taken up for hearing through video conference. Learned counsel for the petitioner undertakes that all defects pointed out by the stamp reporter shall be removed, and compliance with the conditions of the notices of this Court with regard to acceptance of e-filing shall be made, without delay immediately after the lockdown ends, and in any event within one month thereof. Learned counsel for the respondents states that he has no objection in this regard and the matter be taken up on merits in view of the stated urgency.

2. The following reliefs as formulated by the petitioner have been claimed in the writ petition --

“i) For issuance of an appropriate writ in the nature of certiorari or a writ of certiorari or any writ of the like nature thereby quashing the order as contained in Memo No. 681 dated



06.04.2020 whereby the PDS Shop's licence of the petitioner has been cancelled without affording any opportunity to respond to the allegations levelled against her;

ii) For issuance of a writ in the nature of certiorari or a writ of certiorari or any other writ of the like nature thereby quashing any subsequent order by which the distribution of food grains and kerosene oil from the shop of the petitioner has been attached to any other PDS shop;

iii) For issuance of a writ in the nature of mandamus or a writ of mandamus or any other writ of the like nature thereby directing the respondent to restore the PDS shop licence of the petitioner and provide her with the necessary food grains and kerosene oil for distribution among the beneficiary covered under the shop of the petitioner;

iv) For issuance of a writ in the nature of mandamus or a writ of mandamus or any other writ of the like nature thereby directing the respondent authorities to treat the PDS shop licence of the petitioner as restored and to allow the petitioner to distribute the food grains and kerosene oil during the pendency of this writ petition as was being distributed by the petitioner prior to issuance of the impugned order;

v) For issuance of a writ in the nature of mandamus or a writ of mandamus or any other writ of the like nature thereby granting any other interim relief to the petitioner during pendency of this writ



petition;

vi) For grant of any other relief as this Hon'ble Court may deem appropriate in the light of the facts and circumstances of this case."

3. Learned counsel for the petitioner makes a short submission to assail the impugned order on the ground that the licence of the petitioner has been cancelled without issuance of show cause notice or requisite documents. A specific stand has been taken in para 8 of the writ petition that the impugned order of cancellation of her PDS licence has been passed without providing a chit of paper, except a copy of the PDS licence, to the petitioner.

4. Learned counsel for the respondents appears and has been heard. The stand of the petitioner with regard to the non-issuance of show cause notice or copies of the requisite documents has not been controverted, as no counter affidavit has been filed.

5. In the above view of the matter, this Court is satisfied that non-issuance of show cause notice and copies of the requisite documents to the petitioner has resulted in violation of natural justice and thus the decision making process stands vitiated. The impugned order dated 06.04.2020 (Annexure-P/3) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Sadar, Ara, Bhojpur (respondent no. 6) for taking decision afresh in the matter after issuance of show cause notice along with copies of requisite documents to the petitioner and grant of 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. 6.

6. It is also made clear that in view of the ongoing lockdown and Covid-19 pandemic, any correspondence between the parties may be made through email and that the



concerned authority shall be at liberty to hear the petitioner through video conference. To enable the same, the petitioner shall furnish her mobile number and e-mail ID to learned G.P. 2 not later than by Monday, i.e. 15.06.2020, for its onward transmission to the concerned authority.

7. It is made clear that in case the stand of the petitioner denying receipt of show cause notice and requisite documents 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.

8. The writ petition stands allowed as above.

9. Office shall ensure that all defects have been removed and compliance with the notices of this Court has been made, within the stipulated time as provided in para 1 hereinabove.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	-
Uploading Date	11.06.2020
Transmission Date	-

