

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7512 of 2020

Indian Tankers Private Limited Corporate Office B- 1/3, Sector 15, Giga, Sahjawa, Gorakhpur, Uttar Pradesh Through Jitendra Kumar Upadhayay (male), aged about 51 years, Son of Late Kamla Kanta Upadhaya, Resident of Village- Sujia Mau, P.S.- Baksa, District- Jaunpur (Uttar Pradesh).

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Excise Department, Government of Bihar, Patna.
2. The Deputy Commissioner, Prohibition, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Yogesh Chandra Verma, Sr. Advocate.
Mr. Ansul, Advocate.

For the Respondent/s : Mr. Vivek Prasad, GP-7

CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 14-09-2020 Petitioner has prayed for the following relief(s):-

“A. A writ in the nature of certiorari or any other appropriate writ/s, order/s, direction/s quashing the letter as contained in Memo No. 1973 dated 23.06.2020 by which the Indian Tankers Pvt. Ltd. Company has been black listed with immediate effect without any show cause on frivolous and non-est ground.

B. A writ in the nature of Mandamus or other appropriate writ/s, order/s, direction/s directing the Respondents to immediately restore the registration of the Petitioner Company and allow its vehicles to move throughout the territory of Bihar for either destination transportation or transit transportation.

C. To any other relief/s which the Petition is found



entitled to.”

Sri Vivek Prasad, G.P.-7, appearing on behalf of the State, states that counter affidavit already stands filed justifying passing of the impugned order, inasmuch as petitioner is a habitual offender.

However, learned counsel fairly states that prior to passing of the impugned order dated 23.6.2020 (Annexure-6), blacklisting the petitioner, principles of natural justice could not be complied with, inasmuch as neither any notice was issued nor opportunity of hearing afforded.

As such, without expressing any opinion on the merits of the matter, only on the ground of violation of principles of natural justice, especially when the impugned order entails civil consequences, the order dated 23.6.2020 passed by the Deputy Commissioner, Prohibition, Bihar, against the petitioner is quashed and set aside in terms of the following order:

(a) Liberty is reserved to the appropriate authority to pass a fresh order after not only issuing show cause notice but also affording reasonable opportunity of hearing to the petitioner;

(b) petitioner shall appear before the competent authority, i.e., Deputy Commissioner, Prohibition, Bihar on



18.9.2020 at 10.30 A.M. If for some reason it is not possible for the petitioner to appear in person, learned counsel for the petitioner shall furnish the details, i.e., Mobile number and E-mail I.D. for sending link for hearing through virtual mode to Sri Vivek Prasad, learned counsel for the State to enable the department to send link for hearing through virtual mode;

(c) petitioner undertakes not to take any unnecessary adjournment, in fact fully co-operate in such proceedings.

(d) We have not expressed any opinion on the merits of the case;

(e) It will be open to the competent authority to pass an appropriate order expeditiously in accordance with law.

(f) All issues on merit are left open.

Petition stands disposed of.

(Sanjay Karol, CJ)

(S. Kumar, J)

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