

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 9909 of 2019

Om Prakash Tufani, age 51 years, son of Bhola Ram Turani, resident of Village Tufani Colony Hardiya, P.S. Shikarpur, Dist. Narkatiyaganj, West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Civil Supply, Government of Bihar, New Secretariat, Patna.
2. The District Magistrate, West Champaran, Bettiah.
3. The Sub-Divisional Officer, Narkatiyaganj, West Champaran, Bettiah.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra, Adv.

For the Respondent/s : Mr. Alok Ranjan, AC to AAG-5

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

3 19-07-2021

The instant case petition has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

The present writ petition has been filed seeking quashing of the order dated 7.01.2015 passed by the Sub-Divisional Officer, Narkatiyaganj, West Champaran, whereby and where-under the licence of the Public Distribution system of the petitioner bearing Licence No. 1 of 2007 has been cancelled. The petitioner has further prayed for quas

ed 16.03.2019 passed by the District



Magistrate, West Champaran, Bettiah, whereby and where-under the appeal of the petitioner has been rejected.

The brief facts of the case are that a show cause notice dated 05.01.2015 was issued to the petitioner and he was granted 24 hours time to file his show cause reply, however, the enquiry report of the Block Supply Officer, Narkatiaganj dated 5.1.2015 was not supplied to the petitioner, whereafter the impugned order dated 7.1.2015, cancelling the licence of the petitioner, was passed by the Sub-Divisional Officer, Narkatiaganj. The petitioner had then filed an appeal bearing Appeal No. 32/ 2014-15 before the learned Collector, West Champaran, Bettiah, who, by his order dated 16.3.2019, has dismissed the appeal.

The short issue raised by the learned counsel for the petitioner, for consideration by this Court, is that while issuing the show cause notice dated 5.1.2015, the copy of the enquiry report was not supplied to the petitioner, resulting in the petitioner being precluded from submitting his wholesome defence, consequently leading to violation of the principle of natural justice, hence it is submitted that the impugned order dated 7.1.2015 passed by the Sub-Divisional Officer, Narkatiaganj stands vitiated in the eyes of law.

The learned counsel for the respondent State, Shri Alok Ranjan, AC to AAG-5 has not been able to show from the records of this case that a copy of the enquiry report was supplied to the petitioner.



Having regard to the facts and circumstances of the case, and considering the fact that the enquiry report has admittedly not been supplied to the petitioner, this court finds that the petitioner has been precluded from submitting his wholesome defence, which has resulted in violation of the principle of natural justice, hence the impugned order dated 7.1.2015 passed by the Sub-Divisional Officer, Narkatiaganj, stands vitiated in the eyes of law, thus is quashed. In this regard, it would be relevant to refer to a Judgment reported in 2013 (1) PLJR 706 (Brahmdeo Rai v. The State of Bihar and others). Since the original order dated 7.1.2015 passed by the Sub-Divisional Officer, Narkatiaganj has already stood quashed, consequently, the appellate order dated 16.3.2019 passed by the Collector, West Champaran, has got no legs to stand, hence the same is also set aside, however, the matter is remanded back to the Sub-Divisional Officer, Narkatiaganj with liberty to him to proceed afresh in the matter in accordance with law, after supplying a copy of the inquiry report to the petitioner herein.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

Tiwary/-

