

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12728 of 2023

Md. Yunus Ansari Son of Late Isahak Ansari, Resident of Village- Dalippur,
Panchayat Dalippur, P.S Dhangai, District- Bhojpur ... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection, Government of Bihar, New Secretariat, Patna.
2. The Principal Secretary, Food and Consumer Protection, Government of Bihar, Patna.
3. The Divisional Commissioner, Patna.
4. The District Magistrate, Bhojpur.
5. The Sub Divisional Officer, Jagdishpur, Dist.- Bhojpur, Ara.
6. The Block Supply Officer, Jagdishpur, Dist.- Bhojpur. ... Respondents

Appearance :

For the Petitioner : M/s Sanjeev Kumar Mishra, Manini Jaiswal &
Ankita Kumari, Advs.
For the Respondents : Mr.U.P. Singh, AC to SC IV

CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL ORDER

3 30-11-2023 Heard the learned counsel for the parties.

2. The present writ petition has been filed for
the following reliefs :

(i) For quashing the order contained in memo no 1131 dated 07.07.2023 issued under the signature of Respondent Sub Divisional Officer, Jagdishpur, Bhojpur; whereby and whereunder the licence no. 106/2016 has been cancelled without giving opportunity to the petitioner reasonable

(ii) For restoration of the PDS licence no. 106/20286/2016 of the petitioner.

(iii) Any other order or orders as your Lordships may deem fit and proper in the facts and circumstances of the case be granted to the petitioner.



3. Learned counsel for the petitioner has stated that the impugned order is passed without furnishing the petitioner the statements of the beneficiaries nor considering the explanation submitted by the petitioner.

4. Learned counsel has stated that the authorities without furnishing the statements made by the complainants/beneficiaries have passed the impugned order and the same is in violation of the principles of natural justice and equity. Learned counsel has also stated that unless and until the statements of the complainants/beneficiaries are furnished to the petitioner, the petitioner would not be in a position to give a full explanation to the show cause notice and, therefore, learned counsel seeks the indulgence to verify the impugned order and remand the matter back to the authority concerned with a direction to furnish the statements made by the complainants/beneficiaries and provide even opportunity of submitting fresh explanation and then a reasoned order may be passed.



5. Per contra, the learned counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the writ petition stating that the petitioner has an alternative and efficacious remedy of filing an appeal before the concerned authorities. Learned counsel has stated that the petitioner may be relegated back to the appellate authority for duly challenging the order passed by the Subdivisional Officer which is impugned in the present writ petition.

6. A perusal of the impugned order passed by the Subdivisional Officer shows that the statements made by the complainants/beneficiaries has not been furnished to the petitioner and there is no whisper with regard to the explanation submitted by the petitioner.

7. This Court in a catena of cases has held that the non-submission of the statement made by the beneficiaries is contrary to the principles of natural justice and equity and held that the order passed, if any, is bad in law.



8. Having regard to the above, the impugned order is set aside the matter is remanded back to the authority concerned for passing orders afresh. The authority concerned before passing any order shall furnish the copy of the statements of the complaints/beneficiaries to the petitioner and give him an opportunity of filing his explanation. After receipt of the explanation filed by the petitioner the authority concerned shall pass a reasoned order duly taking into consideration the explanation submitted by the petitioner. The entire exercise shall be completed as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this order. It is needless to mention that before passing any order, the petitioner shall be granted an opportunity of hearing. Any order passed shall be communicated to the petitioner.

9. With the above observations, this writ petition is **allowed** to the extent indicated.

(A. Abhishek Reddy , J)

Shamshad/-

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