

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2104 of 2024

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Vikash Kumar (Male) aged about 42 yrs, Son of Bhola Lal Varnwal @ Bhola Prasad Barnwal, Resident of Village - Nawabganj, P.S.- Sirdala, District - Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar at Patna.
2. The District Magistrate, Nawada.
3. The Sub Divisional Officer, Rajauli, Nawada.
4. The District Supply Officer, Nawada.
5. The Block Supply Officer, Sirdala, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate.

For the Respondent/s : Mr. Kamlesh Kishore, AC to SC-12.

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

4 26-07-2024 Heard learned counsel for the parties.

2. The present Writ Petition has been filed for the following reliefs:-

“.....for issuance of appropriate writ/writs, order/orders and direction/directions to quash the order dated 01.08.2022 contained in memo No. 492 passed by the Licensing Authority cum Sub-Divisional Officer, Rajauli whereby the license No. 60/18 of the petitioner granted under the Bihar Targeted P.D.S. (Control) Order, 2016 has capriciously been cancelled and for direction upon the Respondent No. 3 to continue allocation to the Public Distribution System Shop of the



*petitioner after declaring the
cancellation order null and void.”*

3. Learned counsel appearing on behalf of the petitioner has stated that the impugned order passed by the authority without putting the petitioner on prior notice or calling for his explanation is bad in law. That an enquiry was held behind the back of the petitioner and basing on the enquiry report submitted by the Block Development Officer, the impugned order is passed. Learned counsel has stated that the said procedure is in violation of the principles of natural justice and equity and, therefore, the same is liable to be set aside.

4. Per contra, the learned counsel for the respondents has vehemently opposed the very maintainability of the present writ petition and has stated that the petitioner has submitted forged documents. That on enquiry, it was found that the degree certificate submitted by the petitioner was not a genuine one and, therefore, the authority has taken a decision to cancel the license of the petitioner. Learned counsel has also drawn the attention of this Court to the Annexure P/1 i.e. the terms and conditions of the allotment letter wherein at Clause 26, it is stated that in case, the information furnished by the petitioner is found to be false, the authorities are obligated to take necessary action including cancellation of the license of the petitioner.



Learned counsel has, therefore, prayed for dismissing the present writ petition.

5. Admittedly, in the present case, no show-cause notice has been issued to the petitioner before taking any action. A reading of Clause 26 of the allotment letter issued in favour of the petitioner reveals that it is of no help as it only states that if any information is found to be wrong, the authorities are free to take action in accordance with law, which is missing in this particular case.

6. The Hon'ble Supreme Court in the case of ***Raghunath Thakur Vs. State of Bihar and Ors.***, reported in ***AIR 1989 SC 620*** has held as under:-

“.....But it is an implied principle of the rule of law that any order having civil consequence should be passed only after following the principles of natural justice. It has to be realised that blacklisting any person in respect of business ventures has civil consequence for the future business of the person concerned in any event. Even if the rules do not express so, it is an elementary principle of natural justice that parties affected by any order should have right of being heard and making representations against the order...”

7. Having regard to the above, the impugned order dated 01.08.2022 passed by the Licensing Authority-cum-Sub-



Divisional Officer, Rajauli, Nawada is set aside. The matter is remanded back to the authority concerned for issuing a show cause notice to the petitioner giving him an opportunity to submit his explanation and thereafter pass a reasoned order. In case, the authority wants to rely on any enquiry report, the same shall be furnished to the petitioner along with the show-cause notice.

8. It is needless to mention that before passing any order the petitioner shall be given an opportunity of hearing. The authority concerned shall pass a reasoned order duly taking into consideration the explanation submitted by the petitioner and also the documents filed 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 the copy of this order. Any order passed shall be communicated to the party.

9. With the above directions, the present Writ Petition stands disposed of.

(A. Abhishek Reddy, J)

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