

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4472 of 2024

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Badri Narayan Choudhary Son of Late Ram Sharan Choudhary Resident of
Village- Chainsingh Patti, P.S.- Supaul, District- Supaul.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Department of Food Supply and Commerce, Bihar, Patna.
2. The Commissioner, Kosi Division, Purnea.
3. The District Magistrate, Supaul, District- Supaul.
4. The Sub-Divisional Officer, Supaul (Supply Department), District- Supaul.
5. District Supply Officer, Supaul, District- Supaul.
6. The Assistant District Supply Officer, Supaul, District- Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Sanjeev Kumar, Adv.
	:	Ms. Preeti, Adv.
	:	Mr. Ravi Kumar Pandey, Adv.
For the Respondent/s	:	Mr. Standing Counsel (25)

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

15 03-11-2025 1. The petitioner has filed the present writ application being aggrieved by the Appellate Order, dated 28.05.2009, passed by the Collector, Supaul, in Appeal Case No. 10 of 2016 and the Revisional Order, dated 26.02.2023, passed by the Divisional Commissioner, Kosi Pramandal, Saharsa, in Supply Revision Case No. 134 of 2022 respectively. The P.D.S. dealership of the petitioner was cancelled by the Original Authority and the Appellate as well as Revisional Authority upheld the cancellation order of the Licensing Authority.

2. Learned counsel for the petitioner submits that the



main contention of the petitioner is that P.D.S. license of the petitioner has been cancelled in violation of principles of natural justice inasmuch as the Licensing Authority, while cancelling the P.D.S. license, has relied upon the report submitted by Assistant District Supply Officer, Supaul, dated 11.02.2016 and also the statements of the beneficiaries recorded by the A.D.S.O., Supaul. In absence of the report as well as statements made by the beneficiaries against the petitioner, the petitioner was not in a position to meet the grounds mentioned in the show cause notice, dated 26.04.2016.

3. Referring to the supplementary counter affidavit filed by the respondent/state, learned counsel submits that in paragraph 7 of the supplementary counter affidavit, the respondents have accepted that the statements of the beneficiaries-cum-complainants were not provided to the petitioner as well as the report of the A.D.S.O. was also not provided.

4. Learned counsel for the State submits that since the petitioner was present at the time of inspection in his shop and was aware about the statement made by the beneficiaries during his presence, the report as well as the statement of the beneficiaries were not handed over to the petitioner.



5. I have heard learned counsel for the parties and have gone through the impugned order.

6. It appears that in impugned order, the licensing authority has relied upon the report of A.D.S.O. as well as the statements made by the beneficiaries/complainants who made their complaints against the petitioner. The inquiry report as well as statements of the complainants have admittedly not made available to the petitioner along with the show cause which has caused serious prejudice to the petitioner while submitting his show cause. The appellate authority and revisional authority merely reiterated the finding of the licensing authority. The appellate authority and the revisional authority failed to appreciate serious lacuna in the decision-making process. Non-supply of the inquiry report as well as the statement of the complainants, in the opinion of this court, violates the principles of natural justice. Accordingly, the order of licensing authority dated 27.05.2016, Appellate Order, dated 28.05.2019, passed by the Collector, Supaul, in Appeal Case No. 10 of 2016 and the Revisional Order, dated 26.02.2023, passed by the Divisional Commissioner, Kosi Pramandal, Saharsa, in Supply Revision Case No. 134 of 2022 are hereby quashed.

7. The matter is remanded back before the licensing



authority to pass a fresh order after giving a fresh show cause to the petitioner along with the copy of the inquiry report of A.D.S.O. as well as the statements of the beneficiaries/complainants recorded during course of inquiry or otherwise. The entire exercise has to be completed by the S.D.O., Supaul, within a period of three months from today.

8. Till the final order is passed by the licensing authority i.e. SDO, Supaul, the status quo as of today shall be maintained and the P.D.S. dealership of the petitioner shall not be reinstated.

9. With the aforesaid direction and observation, the present writ application is disposed.

(Anil Kumar Sinha, J)

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