

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5983 of 2024

Harilal Ray S/o Late Tildhari Ray Public Distribution System Dealer
Panchayat Pakahi, Block- Kudhani, Village- Ward No.- 15, Baghi Gopinath,
Baghi Goplapur Gopi Nath, P.S.- Kudhani, District- Muzaffarpur
... Petitioner

Versus

1. The State of Bihar through its Principal Secretary food and Civil Supply Department, Govt. of Bihar, Patna.
2. Divisional Commissioner, Tirhut Division, Muzaffarpur.
3. District Magistrate, Muzaffarpur.
4. Sub Divisional Magistrate, West, Muzaffarpur, P.S.- Town, District- Muzaffarpur.
5. In-Charge Block Supply Officer, Kudhani, P.S.- Kudhani, District- Muzaffarpur.
... Respondents

Appearance :

For the Petitioner : Mr.Shankar Kishore Shahi, Adv.
For the Respondents : Mr.Addl. Advocate General (9)

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

10 11-08-2025 Heard the parties.

2. The present writ petition has been filed for the following relief(s) :

“..... for quashing order vide memo no. 461 dt 13.04.2020 passed by the learned Sub Divisional Magistrate, West Muzaffarpur order dt. 14.10.2022 passed in P.D.S. Appeal No. 54/2021-22 Passed by District Magistrate, Muzaffarpur as well as order dt. 28.08.23 passed in P.D.S. Revision Case No. 317/2022 passed by the Divisional Commissioner, Tirhut Division whereby and where under the license of the petitioner's P.D.S Shop has been cancelled and affirmed without applying his judicial mind, without looking/ considering to reply of show cause without



verifying the facts that complainant consumers have given their affidavit denying the allege allegation as alleged by respondent, without assigning any cogent, valid and legal reason without hearing to the petitioner and without supply of enquiry report it violates the principles natural justice.

It is further prayed that to direct the respondent No.-4 Sub Divisional Magistrate West, Muzaffarpur to restore the P.D.S. license of the petitioner and to allot monthly allotment.

The photocopy of the order dt. 13.04.2020, 14.10.2022 and 28.08.2023 are annexed as Annexure P/1 series to this petition.”

3. It is the case of the petitioner that the authorities have issued show cause notice dated 02.05.2019 (Annexure P/2) granting three days time for filing his reply. Learned counsel for the petitioner has stated that though the petitioner has filed his explanation to the said show cause notice dated 02.05.2019 along with the affidavits of the consumers who are stated to have made the complaints against the petitioner, the authority has gone ahead and cancelled the license of the petitioner vide order dated 13.04.2020 (Annexure P/1) on the ground that the



petitioner has not filed his explanation. Though the petitioner has preferred the appeal before the Appellate Authority, but the Appellate Authority has also not considered the ground raised by the petitioner and dismissed the appeal and even the revision filed by the petitioner was also dismissed on 28.08.2023. Learned counsel states that the authority except stating that the petitioner has not filed the explanation to the show cause notice has not given any other reason for cancelling the license. Further it is argued that neither the date of inspection nor the time of inspection has been mentioned in the show cause notice which creates a doubt regarding the non-supply of the copy of the enquiry report made by the Block Supply Officer (Respondent No. 5). Further it is stated that the copy of the enquiry report has also not been submitted to the petitioner along with the show cause notice. Learned counsel has therefore prayed for allowing the CWJC.

4. Per contra, the learned counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the present Writ Petition. Learned counsel for the Respondent-State has stated that though the petitioner has been served the show cause notice granting ample time to file his explanation, he has not bothered to appear before the



authority nor filed his explanation. Further it is stated that the petitioner was given number of reminders vide letter dated 26.09.2019, 04.11.2019 and 13.11.2019 but the petitioner did not furnish his explanation. That the authority left with no other option had to cancel the license of the petitioner duly taking note of the complaints received and also the inspection made by the Block Supply Officer.

5. Admittedly, the present case the petitioner has annexed the copy of the explanation submitted by him to the show cause notice along with the notarized affidavits of the consumers who have said to have made complaints against the petitioner. However, there is no endorsement of the official Respondents of having received the same. However, to meet the ends of justice this Court deems it proper to set aside the impugned orders passed by the Revisional Authority, the Appellate Authority and also the Sub Divisional Officer and remand the matter back to the Sub Divisional Officer concerned for passing order afresh. The authority shall furnish a copy of the enquiry report to the petitioner within two weeks from the date of receipt of a copy of this order. On receipt of the same the petitioner shall file his explanation along with the requisite documents and necessary affidavits of the consumers within a



period of two weeks thereof. On receipt of the same the authority shall pass a reasoned order giving reasons for the same. It is needless to mention that before passing any order, the petitioner shall be put on notice and given an opportunity of hearing. 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. Any order passed shall be communicated to the parties.

6. With the above directions, the Writ Petition stands disposed of.

(A. Abhishek Reddy , J)

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