

Dilip Kumar and ors Vs. State of Jharkhand and ors

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Court : Jharkhand

Decided On : Sep-01-2012

Appellant : Dilip Kumar and ors

Respondent : State of Jharkhand and ors

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI W. P. (C) No. 1886 of 2012
Dilip Kumar & Others .. Petitioners Versus The State of Jharkhand & Others ..
Respondents ----- CORAM: HONBLE MR. JUSTICE NARENDRA NATH TIWARI
----- For the Petitioners - Mr. Devesh Krishna, Advocate For the State - Mr. J.C to
G.P.V ----- 7/01.09.2012 In this writ petition, the petitioners have prayed for
quashing the order dated 21.3.2012 (Annexure-9) passed by the Special Rationing
Officer, Ranchi, whereby the petitioners' P.D.S licenses have been cancelled. The
sole grievance of the petitioners is that the impugned order has been passed
without giving any notice informing the reasons and without affording any
opportunity to represent against the same. It has been submitted that the
impugned order has been passed in violation of Rule 11 of the Bihar Trade Articles
(License and Unification) Order, 1984 [hereinafter referred to as the said Order] as
well as the principle of natural justice and is ab initio void. The impugned order is
liable to be quashed by this Court. Learned counsel for the petitioners further
submitted that the licenses were granted to the petitioners on compassionate
ground under the policy decision of the Government in the year 2010. Their
licenses cannot be cancelled without giving any notice informing the reasons or
without affording any opportunity of representation against the same. Learned J.C

to G.P-V appearing on behalf of the respondents contested the writ petition. It has been stated, inter alia, that there is no arbitrariness or illegality in the impugned order. It was found that licenses were granted contrary to the policy decision and the provisions of law. Those licenses were reviewed and were found fit for cancellation. The petitioners' licenses were found to be illegally granted and is accordingly cancelled by the impugned order. Heard learned counsel for the parties. On perusal of the impugned order, I find that the petitioners' licenses have been cancelled by a summary order. Before cancelling the petitioners' license, no notice was given to the petitioners informing the reasons and affording them opportunity to represent against the same. Clause 11 of the said Order, 1984 provides for giving reasonable opportunity of representation to the person before cancelling his license. Cancellation of the petitioners' -2- licenses visits them with civil consequence. In that view also, cancellation of the petitioners' licenses without giving them notice and opportunity of representation / hearing is violative of the principle of natural justice. Considering the above, this writ petition is allowed. The impugned order dated 21.3.2012 passed by the Special Rationing Officer, Ranchi (Annexure-9) is quashed. However, if there is any legal justification for proceeding against the petitioners' licenses, the respondents are at liberty to proceed in accordance with law. (NARENDRA NATH TIWARI, J) Shamim/

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