

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7722 of 2016

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Kamta Singh, S/o Late Kesho Singh, Resident of village - Pandura, Panchayat - Pandura, P.S. Sandesh, District - Bhojpur

.... Petitioner

Versus

1. The State of Bihar through the Collector, Bhojpur at Ara
2. The Collector, Bhojpur at Ara
3. The Sub Divisional officer, Sadar, Ara
4. The Block Supply Officer, Sandesh, Bhojpur at Ara

.... Respondents

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Appearance :

For the Petitioner : Mr. N. K. Agrawal, Sr. Advocate,
Mr. D. N. Tiwari, Advocate

For the State : Mr. Manoj Kumar Singh, A.C. to G.A. 9

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 22-12-2016

Heard parties.

After filing of the counter affidavit, it appears that copy of the inquiry report was not supplied to the petitioner along with the show cause notice.

This issue is no longer *res integra* as it has been held on second occasion that in the absence of such service of inquiry report and copy of the complaint made by the beneficiaries gives a fatal blow to the entire proceeding. A reference in this regard is made to a decision of this Court rendered in **Brahmdeo Rai Vs. the State of Bihar and Others [2013 (2) PLJR 706]**. It is further apparent from Annexure 3 that licence has been cancelled on the



opinion given by Block Supply Officer, Sandesh. In my considered view, the licensing authority himself has to apply his own mind and does not have to act upon the opinion given by somebody. On this count also, the order has to be declared as unsustainable in law.

Accordingly, this writ application succeeds. The impugned order, as contained in Annexure 3, is quashed and set aside. The matter is remitted back to the Licensing Authority to supply a copy of the enquiry report to the petitioner and seek fresh reply from him and, thereafter, fresh order should be passed which should be reasoned and speaking one after consideration of the grounds raised by the petitioner, if any.

It is made clear that entire exercise should be completed within a period of three months from the date of receipt/production of a copy of this order.

(Dr. Ravi Ranjan, J)

Sanjay-II/-

AFR/NAFR	NAFR
CAV DATE	NA
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