

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.25336 of 2013

=====

Binod Kumar, son of Late Lkhichand Paswan, resident of village-Bhabdepur Got,
PO- Bhabdepur, PS- Riga, District- Sitamarhi

.... Petitioner

Versus

1. The State of Bihar through the Secretary Food and Consumer Protection
Department, Old Secretariat, Patna

2. The Sub-Divisional Officer, Sitamarhi Sar, District- Sitamarhi

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Rajeev Kr. Labh, Advocate

For the State : Mr. Anil Kumar, AC to SC 10

=====

CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 26-04-2016

Heard parties.

Petitioner is aggrieved by the order dated 18.07.2012,
by which, his licence granted for running a P.D.S. shop has been
cancelled by the Sub-Divisional Officer-cum-Licensing Authority,
Sitamarhi Sadar.

Petitioner raises the sole question that since the
enquiry report has not been supplied to the petitioner along with show
cause notice dated 18.06.2012 as contained in Annexure-2, the entire
proceeding stands vitiated.

By now, it is well settled that if the show cause
notice and the final order is based upon any enquiry report and/or the
complaints made by the beneficiaries, the copies of the same would
have to be supplied to the licensee along with the show cause notice to

enable him to file a proper reply, otherwise, it has to be held that adequate opportunity was never given to the petitioner to make out his case.

Accordingly, this writ application succeeds. The order impugned as contained in Annexure-1 is quashed and set aside. However, since the enquiry report is now available on record, the petitioner would be required to furnish a fresh reply and that should be considered by the licensing authority on its own merit and in accordance with law. It is expected that the final decision would be taken within a period of two months from the date of filing of such reply along with the copy of this order.

(Dr. Ravi Ranjan, J.)

rinkee/-

U			
---	--	--	--