

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3071 of 2015

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Mostt. Saraswati Devi, wife of Late Vijay Paswan, Resident of village- Sah
Salempur Malahi Police Station- Barh, District- Patna.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary Food and Consumer Protection Department, Old Secretariat, Bihar, Patna
2. The District Magistrate , Patna.
3. The Sub- Divisional Officer, Barh, District - Patna.
4. The Block Supply Officer, Barh Sub- Division Barh, District- Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Mukul Prasad, Advocate.
For the Respondents : Mr. Maruty Nath Roy,
Mr. A. Ujjwal, SC-25

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 06-11-2017

Heard learned counsel for the petitioner and learned
counsel for the respondents.

2. The present writ petition has been filed for quashing the
order passed by the Sub-Divisional Officer, Barh vide memo no. 683
dated 16.11.2013 by which license of the petitioner's fair price shop
bearing no. 01/12 has been cancelled.

3. Learned counsel for the petitioner makes a short
submission to the effect that the impugned order of cancellation has
been passed in violation of principles of natural justice inasmuch as
reliance has been placed on inspection said to have been made of the
petitioner's shop but the petitioner has not been confronted with the



same.

4. Learned counsel for the respondents appears and has been heard.

5. Having regard to the nature of the grievance of the petitioner, this Court is satisfied that the petitioner ought to have been confronted with the inspection report which has been relied upon while passing the impugned order and failure in this regard has resulted in violation of principles of natural justice causing prejudice to the petitioner.

6. In the above view of the matter, the impugned order dated 16.11.2013 is set aside and is hereby quashed. The respondents shall be at liberty to pass afresh orders after supplying of the inspection reports of the petitioner and after grant of opportunity of hearing in accordance with law, if so advised.

7. The writ petition stands allowed.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
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