

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13152 of 2014

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Baby Devi, Wife of Sri Sanjeev Kumar, Resident of Village- Sungthia, P.O.-
Barai, P.S.- Khagaria, District- Khagaria.

.... Petitioner

Versus

1. The State of Bihar through the Secretary Food and Consumer Protection
Department, Old Secretariat, Patna.
2. The District Magistrate, Khagaria, District- Khagaria.
3. The Sub- Divisional Officer, Khagaria, District- Khagaria.

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajeev Kumar Labh, Advocate

For the Respondents : Mr. U.S.S.SINGH, GP 1

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 08-12-2017

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

2. The present writ petition has been filed for quashing the order
contained in memo no. 175 dated 04.03.2010 passed by the Sub-
Divisional Officer, Khagaria (Annexure-1) by which licence of the
petitioner's Fair Price shop bearing No. 67 K/2007 has been cancelled
and monthly allotment has been stopped; and further to restore the
petitioner's licence.

3. Learned counsel for the petitioner makes a short submission to
assail the impugned order on the ground that a copy of the enquiry
report was not made available to the petitioner and she was never
confronted with the same with an opportunity of being heard or
adducing evidence in that regard. A specific stand has been taken in



paragraph 12 of the writ petition that the impugned order of cancellation of licence has been passed without providing a copy of the enquiry report to the petitioner, though the same had been relied upon in the impugned order.

4. Learned counsel for the respondents appears and has been heard. The stand of the petitioner with regard to non-supply of enquiry report has not been controverted, as no counter affidavit has been filed till date even though more than three years have elapsed since the writ petition was filed.

5. In the above view of the matter, this Court is satisfied that non-supply of the enquiry report to the petitioner has resulted in violation of natural justice and thus the decision making process stands vitiated. The impugned order contained in memo no. 175 dated 04.03.2010 (Annexure-1) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Khagaria for taking decision afresh in the matter after supplying a copy of the enquiry report to the petitioner and granting an opportunity of hearing in accordance with law. Supplies to the petitioner shall be restored without delay until fresh orders are passed by the respondent no. 3.

6. It is made clear that in case the stand of the petitioner denying receipt of the enquiry report prior to order of cancellation being passed is found to be incorrect, the respondents shall be at liberty to approach this Court for recall of this judgment.



7. The writ petition stands allowed as above.

(Vikash Jain, J)

B.T/Chandran

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