

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1476 of 2015

=====

Saoji Sah, Son of Late Mani Sah, Resident of village and P.O.- Bakhari, P.S.-
Motipur, District- Muzaffarpur.

.... Petitioner

Versus

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

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Rajeev Kumar Labh, Advocate.
For the Respondents : Mr. Uma Shankar, GP-4

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 07-11-2017

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

2. The present writ petition has been filed for quashing
the order contained in memo no. 1120 dated 21.11.2014 passed by the
Sub-Divisional Officer, West Muzaffarpur by which licence of the
petitioner's PDS shop bearing no. 23020058/08 has been cancelled and
monthly allotment has been stopped; and further to restore the
petitioner's license.

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 he was
never confronted with the same by granting an opportunity of being



heard and adducing evidence in that regard.

4. A counter affidavit has been filed on behalf of the respondents in which however the aforesaid stand of the petitioner has not been controverted.

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 dated 21.11.2014 (Annexure-1) is hereby quashed and the matter remanded to the S.D.O., West Muzaffarpur 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.

6. The writ petition stands allowed as above.

(Vikash Jain, J)

Md. Ibrarul/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	
Transmission Date	N.A.

