

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1876 of 2017

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Nand Kishor Prasad, Son of late Tilakdhari Sao, Resident of Village-Asani, Village Panchayat-Moramardana, POlice Station-M.U. Bodh Gaya, District-Gaya.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department, of Food and Consumers Protection, Government of Bihar, Patna
2. The District Magistrate, Gaya.
3. The Sub-Divisional Officer, Sadar Gaya, District-Gaya
4. The Block Supply Officer, Bodh Gaya, Dist.-Gaya
5. The Block Development Officer, Bodh Gaya

.... Respondents

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Appearance:

For the Petitioner/s : Mr. Binay Kumar, Adv.
For the Respondent/s : Mr. S.Raza Ahmad-AAG-5
Mr. Md. Anisul Haque, A.C. to A.A.G.-5

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 06-04-2017

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

2. In this case, the petitioner is aggrieved by the order dated 07.01.2017 passed by the Sub-Divisional Officer, Sadar Gaya, whereby he has cancelled the licence of the petitioner.

3. In the present case, primarily the grievance has been made by the petitioner that he was not given the inquiry report and without serving the same the action has been taken, which violates the principle of natural justice.



4. Learned counsel for the State has drawn the attention of this Court to the letter No.1104 dated 3.12.2016, wherein in the bottom it indicates that the letter was attached with the inquiry report, the complaint of the consumer and the respective ration cards.

5. In such view of the matter, the ground of non-service of inquiry report does not survive. However, there is a statutory provision of appeal, the petitioner, if so advised, may file an appeal before the appellate authority. If such an appeal is filed, the appellate authority shall consider the same and pass appropriate order in accordance with law without being influenced by the order of this Court. While deciding the case of the petitioner, the pendency of this writ application before this Court will be considered by the appellate authority.

6. With the aforesaid observations and directions, this writ application is disposed of.

(Shivaji Pandey, J)

pawan/-

AFR/NAFR	N.A.F.R.
CAV DATE	N/A.
Uploading Date	12.04.2017
Transmission Date	N/A.

