

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.406 of 2017

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Vinod Kumar Ram Son of Late Chuhai Ram, resident of Village - Ganeshpur,
P.O. + P.S. Puraini, District - Madhepura.

.... Petitioner

Versus

1. The State of Bihar through Food and Supply Production Madhepura.
2. The District Magistrate, Madhepura.
3. The Sub Divisional Officer Udakishunganj, Madhepura.
4. The District Supply Officer Madhepura.
5. The Block Supply Officer Puraini District Madhepura.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar Mishra, Advocate

For the Respondents : Mr. S. Raza Ahmad, AAG-5
Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 01-12-2017

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

2. The present writ petition has been filed for quashing the
order dated 25.11.2016 passed by the Sub-Divisional Officer,
Udakishunganj, Madhepura by which the licence of the petitioner's fair
price shop has been cancelled.

3. Learned counsel for the petitioner makes a short
submission to assail the impugned order of cancellation, on the ground
that a copy of the inquiry report which has been relied upon in the
impugned order was not made available to the petitioner and hence he
was unable to file a meaningful reply to the show cause notice.

4. Learned counsel for the respondents appears and has
been heard. The stand of the petitioner with regard to non-supply of
the inquiry report has not been controverted in the counter affidavit
filed on behalf of the respondents.

5. Having heard the parties and on a consideration of the



materials on record, this Court finds merit in the writ petition. The petitioner has taken a specific stand that a copy of the inquiry report has not been made available to the petitioner but relied upon while passing the impugned order, which has not been denied by the respondents. Failure to provide the materials relied upon before passing an adverse order amounts to violation of the principles of natural justice and vitiates the decision making process.

6. In this view of the mater, the impugned order dated 25.11.2016 (Annexure-5.) is hereby quashed and the matter is remanded to the Sub-Divisional Officer, Udakishunganj, Madhepura (respondent no. 3) for taking a decision afresh in accordance with law after supply of a copy of the inquiry report to the petitioner and granting him opportunity of being heard. In the meantime, the licence of the fair price shop stands restored with immediate effect.

7. The writ petition stands allowed as above.

(Vikash Jain, J)

Md. Ibrarul/BT

AFR/NAFR	NAFR
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