

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11901 of 2018

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Suresh Prasad Yadav son of Chhedi Yadav Resident of Village - Jodhi Bigha,
Village Panchayat - Dhuriyawan, Police Station - Wazirganj, District - Gaya.

.... Petitioner/s

Versus

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

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar, Adv

For the Respondent/s : Mr. S.RAZA AHMAD - AAG-5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 03-07-2018

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. 765 dated 14.06.2018 passed by the Sub-
Divisional Officer, Sadar, Gaya by which licence of the petitioner's Fair
Price shop bearing no. 09/2007 (old)/06/2016(new) 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 he 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 para 7 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.

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 14.06.2018 (Annexure-3) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Sadar, Gaya 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)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
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