

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15446 of 2017

=====

Shradha Rani, Wife of Shri Harihar Prasad Yadav, Resident of Village- Pakwalia,
P.S.- Awatar Nagar, District- Saran (Chapra).

.... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna.
2. The Commissioner, Saran Division, Chapra.
3. The District Magistrate, Saran (Chapra).
4. The Sub-Divisional Officer Sonapur, Saran (Chapra).
5. The Block Supply Officer, Dighwara, Saran (Chapra).
6. The Block Supply Officer, Sonapur, Saran (Chapra).

.... Respondent/s

=====

Appearance :
For the Petitioner/s : Mr. Ram Kishore Singh, Adv
For the Respondent/s : Mr. ARVIND UJJWAL-SC4

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-03-2018

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. 345 dated 29.04.2011 passed by the Sub-
Divisional Officer, Sonapur, Saran (Chapra), the appellate order dated
07.01.2016 in Supply Appeal No. 62 of 2011 passed by the District
Magistrate, Saran, as also the revisional order dated 31.07.2017 in Supply
Revision No. 73 of 2016 passed by the Commissioner, Saran Division,
Chpara by which the licence of the petitioner's Fair Price shop bearing no.
55/2007 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 para 5 of the supplementary affidavit 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. Such infirmity could not be cured in the appeal as well as in the revision.

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 29.04.2011 (Annexure-P/5), the appellate order dated 07.01.2016 (Annexure-P/6) and the revisional order dated 31.07.2017(Annexure-P/7) are hereby quashed and the matter remanded to the Sub-Divisional Officer, Sonapur, Saran (Chapra) 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. 4.

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
Uploading Date	08.03.2018
Transmission Date	NA

