

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19009 of 2017

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Shiv Kumar Yadav son of Late Ganja Prasad Yadav resident of Village -
Pakilpaar, P.S. Murliganj, District - Madhepura.

.... Petitioner/s

Versus

1. The State of Bihar through Secretary, Food & Civil Supply Department, Old Secretariat, Patna.
2. The Collector, Madhepura.
3. The S.D.O. Madhepura.
4. The Block Supply Officer, Murliganj, Madhepura.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand

For the Respondent/s : Mr. ARVIND UJJWAL SC4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 07-05-2018

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

2. The present writ petition has been filed for quashing the order dated 01.04.2017 passed by the Sub-Divisional Officer, Madhepura and the appellate order dated 21.09.2017 in Appeal Case No. 14/2017 passed by the Collector-cum-District Magistrate, Madhepura by which the licence of the petitioner's Fair Price shop bearing no. 01/1987 (old), 02/2013 (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 by granting an opportunity of being heard and adducing evidence in that regard. It is further submitted that the licensing authority has granted only 24 hours time for submission of reply to first show cause notice and 24 hours time for replying second show cause, which is



unreasonable and insufficient.

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 01.04.2017 (Annexure-7) and the appellate order dated 21.09.2017 (Annexure-9) are hereby quashed and the matter remanded to the S.D.O., Madhepura for taking decision afresh in the matter after supplying a copy of the enquiry report to the petitioner and granting adequate 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)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.05.2018
Transmission Date	NA

