

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2929 of 2017

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Md. Ahmad Hussain, S/o Late Sabir Ahmad, Resident of village - Misrauliya,
P.S. Babubarhi, District - Madhubani

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Food & Consumer Protection
Department, Govt. of Bihar, Patna
2. The Collector, Madhubani
3. The Sub Divisional Officer, Sadar, Madhubani
4. The Block Supply Officer, Babubarhi, Madhubani

.... Respondents

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Appearance :

For the Petitioner : Mr. Dhananjaya Nath Tiwari, Advocate.

For the Respondents : Mr. Arvind Ujjwal, SC-4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 22-02-2018

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

2. The present writ petition has been filed for setting
aside the order dated 02.09.2016 issued under Memo No. 179/Aa
dated 02.09.2016 by which the license granted under the provision of
Fair Price Shop of Order and/or PDS order for carrying on business of
Fair Price Shop has been cancelled for alleged violation of provisions of
PDS Order 2016.

3. Learned counsel for the petitioner makes a short
submission to assail the impugned order on the ground that a copy of
the inspection 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 paragraph-10 of the writ petition that the impugned order of cancellation of licence has been passed without providing a copy of the inspection report to the petitioner, though the same has been relied upon in the impugned order.

4. Learned counsel for the respondents appears and has been heard. The stand of the petitioner with regard to non-supply of enquiry report has not been controverted, as no counter affidavit has been filed till date.

5. In the above view of the matter, this Court is satisfied that non-supply of the inspection report to the petitioner has resulted in violation of natural justice and thus the decision making process stands vitiated. The impugned order dated 02.09.2016 (Annexure-3) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Sadar, Madhubani for taking decision afresh in the matter after supplying a copy of the inspection 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 inspection 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)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	23.02.2018
Transmission Date	N.A.

