

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12649 of 2017

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Phool Devi, wife of Dilip Mandal, Resident of Mohalla- Daulatpur Jamalpur, P.S.-
Jamalpur, District- Munger.

.... Petitioner

Versus

1. The State of Bihar.
2. The District Magistrate, District Munger.
3. The S.D.O. Sadar, Munger, P.S.- Kotwali, District- Munger.
4. The Duppy Inspector-cum-Block Supply Officer Jamalpur, P.S.- Jamalpur,
District- Munger.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ram Sevak Choudhary, 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: 19-02-2018

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

2. The present writ petition has been filed for the
following reliefs:

*“(i) For issuance of an appropriate writ in quashing the
memo no. 3264 dated 08.08.2016 issued by the Sub-
Divisional Officer, Sadar Munger whereby the P.D.S.
Licence of the petitioner has been suspended, contained in
Annexure-3.*

*(ii) For issuance of an appropriate writ in quashing Memo
No. 329 dated 09.08.2016 issued by S.D.O. Sadar Munger by
which the show cause has been issued for cancellation of
licence, contained in Annexure-4.”*



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 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 paragraph-5 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 inspection 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 08.08.2016 (Annexure-3), as well as the show cause dated 09.08.2016 (Annexure-4) are hereby quashed and the matter remanded to the Sub-Divisional Officer, Sadar, Munger 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.
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