

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2713 of 2018

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Rajaram Bhuiyan @ Rajaram Manjhi, son of Late Kesar Bhuiyan, resident of Village- Kartahi, P.S. Gurua, Dist- Gaya.

.... Petitioner

Versus

1. The State of Bihar, through the Principal Secretary Food And Consumer Protection Department, Govt. of Bihar, Patna.
2. District Magistrate, Gaya.
3. Sub-Divisional Officer, Sherghati, Gaya.
4. Block Supply Officer, Gurua, Gaya.

.... Respondents

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Appearance :

For the Petitioner : Mr. Ashok Kumar
Mr. Bibhuti Narayan, Advocates.
For the Respondents : Mr. Upendra Pratap Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-03-2018

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 quashing the order contained in Memo No. 24 dated 24.01.2017 issued by respondent no. 3 whereby and whereunder licence of the petitioner's P.D.S. shop bearing licence no. 386/2017 has been cancelled.

(ii) For giving a direction to restore the license of the petitioner within a stipulated time..

(iii) Any other relief or reliefs which this Hon'ble Court may deem fit and proper."

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 paragraph-7(i) 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 has 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 24.01.2017 (Annexure-3) is quashed and the matter is remanded to the Sub-Divisional Officer, Sherghati, 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)

Md. Ibrarul/BT

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