

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14468 of 2017

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Bajnath Prasad Das, Son of Late Rameshwar Das, resident of Village- Sidhipur
P.S. Khirimore, P.O. Sidhipur, District- Patna.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Government of Bihar.
2. The Principal Secretary, Department of Food and Civil Supplies, Government of Bihar.
3. The District Magistrate, Patna.
4. The Sub Divisional Officer, Paliganj.
5. The Block Supply Officer, Paliganj.

.... Respondents

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Appearance :

For the Petitioner : Ms. Shilpi Keshari
Mr. Sunil Prasad, Advocates.

For the Respondents : Mr. Sanjay Kumar Giri, GP-9

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-01-2018

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 19.08.2017 as contained in memo no. 259/Aaa
by which the learned Sub-Divisional Officer, Paliganj was pleased to
cancel the license of the petitioner granted under the provisions of Fair
Price Shop Order, 2007 and under the provision of Fair Price Shop
Order without following the law in this regard.

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-14 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. 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 enquiry report to the petitioner has resulted in violation of natural justice and thus the decision making process stands vitiated. The impugned order dated 19.08.2017 (Annexure-3) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Paliganj, District- Patna 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)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	09.01.2018
Transmission Date	N.A.

