

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3517 of 2018

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Maksudan Singh son of Sri Rama Singh aged about 56 years, P.D.S. dealer
Panchayat- Pakahi, P.S. Maniyari, District- Muzaffarpur

.... Petitioner

Versus

1. The State of Bihar, through its Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
2. The Sub-Divisional Magistrate, West Muzaffarpur.
3. The Block Development Officer, Kudhani.
4. The Block Supply Officer, Kudhani.

.... Respondents

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Appearance :

For the Petitioner : Mr. Shankar Kishore Shahi, Advocate.

For the Respondents : Mr. S. Raza Ahmad, AAG5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 30-03-2018

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

2. The present writ petition has been filed for quashing
the Memo No. 177 dated 02.02.2018 issued under the signature of
respondent no. 2, Sub-Divisional Magistrate, West Muzaffarpur
whereby and whereunder the license of the petitioner has been
cancelled.

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-5 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 02.02.2018 (Annexure-1) is hereby quashed and the matter remanded to the Sub-Divisional Magistrate, West Muzaffarpur, 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. 2.

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
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