

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17212 of 2017

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Sardar Bechu Singh Son of Late Sardar Raja Singh Resident of Mohalla -
Supulhganj, P.O. - Sasaram, Ward No. 19/21, P.S. Sasaram Sadar, District -
Rohtas.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department.
2. The District Magistrate, Sasaram.
3. The Sub Divisional Officer, Sasaram (Supply).
4. The Marketing Officer, Sasaram.

.... Respondents

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Appearance :

For the Petitioner : Mr. Siya Ram Sahi, 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: 13-03-2018

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 Memo No. 263 dated 09.09.2017
passed by the Sub-Divisional Officer, Sasaram.*

*(ii) For direction to reinstate the license No. 19/07 issued
under the Essential Commodities Act to the petitioner.*

*(iii) For any other relief/reliefs in accordance with law
entitled to the petitioner.”*

3. Learned counsel for the petitioner makes a short
submission to assail the impugned order on the ground that show



cause notice was not served upon the petitioner nor copies of the enquiry report were given and he was not given any opportunity of being heard or adducing evidence in that regard. A specific stand has been taken in paragraphs-7 and 16 of the writ petition that the impugned order of cancellation of licence has been passed without serving show cause notice to the petitioner nor the copies of the enquiry report were supplied to him, though the same had 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-service of the show cause notice to the petitioner as well as non-supply of the enquiry report to him has resulted in violation of natural justice and thus the decision making process stands vitiated. The impugned order dated 09.09.2017 (Annexure-1) is hereby quashed and the matter is remanded to the Sub-Divisional Officer, Sasaram, for taking decision afresh in the matter after serving show cause notice and supplying the copies of the enquiry report upon 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 non-service of show cause notice 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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