

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6662 of 2018

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Pramila Devi, Wife of Ram Niwas Singh, Resident of Village-Adarsha Laxmipur,
P.S. - Barahiya, District- Lakhisarai.

.... Petitioner

Versus

1. The State of Bihar through Secretary Food & Consumer Protection Department, Old Secretariat, Patna.
2. The Collector, Lakhisarai.
3. The SDO Sadar Lakhisarai.
4. The Block Supply Officer, Barahiya, District Lakhisarai.

.... Respondents

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Appearance :

For the Petitioner : Mr. Vijay Anand, Advocate

For the Respondents : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 07-05-2018

Heard learned counsel for the petitioner. However, none appears on behalf of the respondents.

2. The present writ petition has been filed for quashing the order dated 11.11.2017/06.03.2018 passed by the Collector, Lakhisarai in Supply Appeal No. 80/2016-17 whereby and whereunder the appeal preferred by the petitioner against the order dated 23.09.2016 contained in Memo No. 740 was dismissed and upheld the order of cancellation dated 23.09.2016.

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 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 13 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 had been relied upon in the impugned order. Such infirmity could not be cured in the appeal as well.

4. Learned counsel for the respondents appears and has been heard. The stand of the petitioner with regard to non-supply of the 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 appellate order 11.11.2017/06.03.2018 passed by the Collector, Lakhisarai in Supply Appeal No. 80/2016-17 (Annexure-4) and the impugned order dated 23.09.2016 (Annexure-3) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Sadar Lakhisarai 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)

B.T/Chandran

AFR/NAFR	NAFR
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