

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9015 of 2018

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Smt. Meena Devi W/o Bhola Prasad Resident of Village - Rajauli, P.S. - Rajauli,
District - Nawada.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food & Civil Supply Department, Patna.
2. The SDO, Rajauli, District Nawada.
3. The Sub Divisional Public Grievance Redressal Forum Officer, Rajauli, District Nawada.
4. The Block Supply Officer, Rajauli.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Adv

For the Respondent/s : Mr. S. RAZA AHMAD- AAG5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 10-07-2018

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

2. The present writ petition has been filed for quashing the
order dated 23.05.2017 passed by the Sub-Divisional Public Grievance
Redressal Forum Officer, Rajauli, District Nawada, the order contained
in memo no. 1478 dated 08.07.2017 passed by the Sub Divisional
Officer, Rajauli, District Nawada and the appellate order dated
04.04.2018 in Case No. 395(M)/2017 passed by the Collector-cum-
District Magistrate, Nawada by which the licence of the petitioner's
Fair Price shop bearing no. 361/2008 has been cancelled and monthly



allotment has been stopped; and further to restore the petitioner's licence.

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 para 25 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.

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 orders dated 23.05.2017 (Annexure-2), dated 08.07.2017 (Annexure-5) and the appellate order dated 04.04.2018 (Annexure-6) are hereby quashed and the matter remanded to the Sub-Divisional Officer, Rajauli, District Nawada 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. The writ petition stands allowed as above.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
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