

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11704 of 2018

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Brahamdeo Prasad Son of Late Nathuni Sah resident of Bankatwa, P.S. Jitna,
District - East Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Consumer Protection Department, Government of Bihar, Patna.
2. The Commissioner, Tirhut Division, Muzaffarpur.
3. The District Magistrate, East Champaran.
4. The Sub-Divisional Officer, Sikrahna, Dhaka, East Champaran.
5. The Assistant District Supply Officer Sikrahana, Dhaka, East Champaran.
6. The Block Supply Officer, Bankatwa, District - East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kant Singh, Adv

For the Respondent/s : Mr. ARVIND UJJWAL- SC4

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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 contained in memo no. 279 dated 27.11.2014 passed by the Sub-
Divisional Officer, Sikrahana, Dhaka, East Champaran and the appellate
order dated 06.02.2018 in Supply Case No. 12/15 passed by the District
Magistrate, East Champaran, Motihari by which the licence of the
petitioner's Fair Price shop bearing no. 23/07-08 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 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 paras 7 and 19 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 order dated 27.11.2014 (Annexure-3) and the appellate order dated 06.02.2018 (Annexure-4) are hereby quashed and the matter remanded to the Sub-Divisional Officer, Sikrahana, Dhaka, East Champaran 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)

Chandran

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.07.2018
Transmission Date	NA

