

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.212 of 2018

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Girindra Pandey @ Girendra Pandey, son of Late Sri Bhagwan Pandey, resident of Udwanthnagar, Block - Udwanthnagar, Police Station - Udwanthnagar, District - Bhojpur.

.... Petitioner

Versus

1. The State of Bihar.
2. The Principal Secretary, Food Supply and Commerce Department, Government of Bihar, Patna.
3. The District Magistrate, Bhojpur.
4. The Sub Divisional Officer, Ara Sadar, District Bhojpur.
5. The Block Development Officer, Udwanthnagar, Bhojpur.
6. The Marketing Officer, Udwanthnagar, Bhojpur.
7. The Block Supply Officer, Udwanthnagar, District Bhojpur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Alok Kumar, Advocate

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

Mr. Alok Ranjan, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 30-01-2018

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. 495 dated 08.02.2017 issued by the Sub-Divisional Officer, Ara Sadar, Bhojpur (respondent no. 4) whereby and whereunder the licence of the petitioner bearing no. 32/2007 for running a fair price shop under the Public Distribution System, has been cancelled, without giving notice upon the proposed cancellation; and for connected reliefs.

3. Learned counsel for the petitioner makes a short submission to assail the impugned order on the ground that neither



show cause notice nor any copy of the enquiry report was served upon 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 13 of the writ petition that the impugned order of cancellation of licence has been passed without serving any show cause notice and any copy of the enquiry report upon the petitioner, though the same had 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-service of any show cause notice and any copy of the enquiry report upon the petitioner, as no counter affidavit has been filed till date.

5. In the above view of the matter, this Court is satisfied that non-service of any show cause notice and any copy of the enquiry report upon the petitioner has resulted in violation of natural justice and thus the decision making process stands vitiated. The impugned order contained in memo no. 495 dated 08.02.2017 (Annexure-4) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Ara Sadar, District Bhojpur (respondent no. 4) for taking decision afresh in the matter after serving show cause notice and a copy 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. 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)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
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Transmission Date	N.A.

