

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14904 of 2016

=====

Smt. Siya Devi, wife of Birendra Saw, resident of Village - Mathurapur, P.S. Rahui, District - Nalanda.

.... Petitioner

Versus

1. The State of Bihar through Secretary, Food and Civil Supply Department, Old Secretariat, Government of Bihar, Patna.
2. The Sub-Divisional Officer, Nalanda.
3. The District Supply Officer, Nalanda.
4. The Block Supply Officer, Rahui, Biharsharif, Nalanda.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Vijay Anand, Advocate

For the Respondents : Mr. Sushil Kr. Mallick, AC to SC 4

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 18-04-2018

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 27.07.2016 passed by learned Collector, Nalanda in Supply Appeal No. 12/2013 whereby and whereunder the Supply Appeal preferred by the appellant against the order dated 08.09.2012 cancelling the licence no. 15/2007 of the petitioner passed by Sub-Divisional Officer was dismissed.

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 15 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 dated 27.07.2016 passed by learned Collector, Nalanda in Supply Appeal No. 12/2013 (Annexure-5) and the impugned order dated 08.09.2012 cancelling the licence no. 15/2007 (Annexure-3) are hereby quashed and the matter remanded to the Sub-Divisional Officer, Bihar Sharif, District Nalanda 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. 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.
Uploading Date	23.04.2018
Transmission Date	N.A.

