

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15136 of 2014

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Umesh Prasad Son of Late Das Prasad, resident of village Salempur, P.S.-
Jehanabad, District- Jehanabad

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food & Supply
Department, Govt. of Bihar, Patna
2. The District Magistrate, Jehanabad
3. The District Supply Officer, Jehanabad
4. The District Incharge Officer, Law, Jehanabad
5. The Licensing Authority-cum-Sub-Divisional Officer, Jehanabad
6. The Block Supply Officer, Block, Jehanabad, District- Jehanabad

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Adv

For the Respondent/s : Mr. AAG-10 P.N.SHAHI

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 12-04-2018

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

2. The present writ petition has been filed for quashing the
order contained in memo no. 1012 dated 03.08.2012 passed by the
Sub-Divisional Officer, Jehanabad and the appellate order dated
05.07.2014 in Supply Case No. 10/DM/2013 passed by the Collector-
cum-District Magistrate, Jehanabad by which the licence of the
petitioner's Fair Price shop bearing no. 1/2007 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 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 order dated 03.08.2012 (Annexure-11) and the appellate order dated 05.07.2014 (Annexure-15) are hereby quashed and the matter remanded to the Sub-Divisional Officer, Jehanabad 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. 5.



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/BT

AFR/NAFR	NAFR
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