

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18849 of 2016

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1. Suresh Gupta, Son of Bishwanath Gupta, a resident of Mohalla- Rajhat, Ward No.13, P.O. & P.S.- Banmankhi, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar, through Collector, Purnea.
2. The Sub-Divisional Officer, Banmankhi, Purnea.
3. The Block Supply Officer, Banmankhi, Purnea.
4. The Executive Officer, Banmankhi, Purnea.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anujit Sinha,, Adv

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

Mr. Alok Ranjan, AC to AAG5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 03-04-2018

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 17.06.2016 passed in Supply Appeal No. 175/14 by the District Magistrate, Purnea and the order dated 11.05.2013 passed by the Sub-Divisional Officer, Banmankhi, by which the licence of the petitioner's Fair Price shop bearing no. 25/2017 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 17 of the supplementary affidavit 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.

4. Learned counsel for the respondents appears and has been heard. The stand of the petitioner with regard to non-supply of 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 impugned order dated 11.05.2013 (Annexure-7) and the appellate order dated 17.06.2016 passed in Supply Appeal No. 175/14 (Annexure-8) are hereby quashed and the matter remanded to the Sub-Divisional Officer, Banmankhi 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)

Chandran/BT

AFR/NAFR	NAFR
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