

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3936 of 2016

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Dinanath Mochi S/o Sri Tulsiram Mochi, Resident of Village- Nizampur P.S
Janipur District Patna.

.... Petitioner

Versus

1. The State of Bihar through Secretary, Food & Civil Supply Government of Bihar, Patna.
2. The Sub-Divisional Officer, Patna.
3. The Block Supply Officer, Phulwarisharif.

.... Respondents

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Appearance :

For the Petitioner : Mr. Anujit Sinha, Advocate.

For the Respondents : Mr. J.K. Roy-1, SC-13

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 12-01-2018

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

2. The present writ petition has been filed for setting
aside the order dated 06.02.2016 by which the learned Sub-Divisional
Officer, Patna was pleased to cancel the license of the petitioner to
carry on trade as P.D.S. dealer.

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
paragraphs-9 and 10 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 has 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 06.02.2016 (Annexure-3) is quashed and the matter remanded to the Sub-Divisional Officer, Patna 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)

Md. Ibrarul/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	19.01.2018
Transmission Date	N.A.

