

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.16681 of 2014**

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SHIV KUMAR SINGH SON OF LATE GOPAL SINGH RESIDENT OF VILLAGE-  
BASTI JALAL, P.S.- DIGHWARA, DISTRICT- SARAN (BIHAR)

.... .... PETITIONER/S

VERSUS

1. THE STATE OF BIHAR THROUGH THE PRINCIPAL SECRETARY, FOOD & CIVIL SUPPLY DEPARTMENT, BIHAR, PATNA
2. THE DIVISIONAL COMMISSIONER, SARAN DIVISION, SARAN AT CHAPRA
3. THE DIVISIONAL MAGISTRATE, SARAN AT CHAPRA
4. THE SUB DIVISIONAL OFFICER, SONEPUR, SARAN
5. THE BLOCK SUPPLY OFFICER, DIGHWARA, SARAN

.... .... Respondent/s

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**Appearance :**

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

For the Respondent/s : Mr. Arun Kumar Sinha, AC to GP 24

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**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

ORAL JUDGMENT

**Date: 27-07-2018**

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 26.09.2007 passed by the Sub-Divisional Officer, Sonapur, Saran the appellate order dated 05.07.2008 in Supply Appeal Case No. 97 of 2007 passed by the District Magistrate, Saran at Chapra as also the revisional order dated 27.03.2014 in Supply Revision No. 207 of 2008 passed by the Divisional Commissioner, Saran Division, Saran at Chapra by which the licence of the petitioner's Fair Price shop 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. The stand of the petitioner that the impugned order of cancellation of licence has been passed without providing a copy of the enquiry report though the same had been relied upon in the impugned order is also evident from the revisional order of the Commissioner in Supply Revision No. 207/2008. Such infirmity could not be cured in the appeal as well as in the revision.

4. Learned counsel for the respondents appears and has been heard. A counter affidavit has been filed on behalf of the respondents in which the stand of the petitioner has not been controverted.

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 26.09.2007 (Annexure-2), the appellate order dated 05.07.2008 (Annexure-4) and the revisional order dated 27.03.2014 (Annexure-5) are hereby quashed and the matter remanded to the Sub-Divisional Officer, Sonapur, Saran 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. Licence of 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)**

Chandran/BT

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