

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4431 of 2015

=====

Laxman Singh son of Late Sukhdeo Singh, resident of village- Fathpur Sanda,
P.s.- Arwal, District- Arwal

.... Petitioner/s

Versus

1. The State of Bihar through Collector, Arwal
2. The S.D.O. Arwal
3. The In-charge, B.S.O., Arwal

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Vijay Anand, Adv

For the Respondent/s : Mr. KUMAR PRIYARANJAN, SC23

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 02-04-2018

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 04.04.2013 (Annexure-6) passed by the Sub-Divisional
Officer, Arwal by which licence of the petitioner's Fair Price shop
bearing no. 14/1989 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 13 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.

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 04.04.2013 (Annexure-6) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Arwal 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
CAV DATE	NA
Uploading Date	11.04.2018
Transmission Date	NA

