

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4231 of 2015

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Ram Bachan Ram s/o late Dipan Ram, r/o Vill- Bhaqndsara, P.S. - Jagdishpur,
Distt.- Bhojpur.

.... Petitioner

Versus

1. The State of Bihar through Secretary Food and Supply Department, Govt. of Bihar at Patna.
2. Secretary, Food and Supply Department, Govt. of Bihar at Patna.
3. District Magistrate cum Collector, Bhojpur, Arrah,
4. Sub Divisional Officer, Bhojpur, Arrah.
5. Block Supply Officer, Jagdishpur, Block, Jagdishpur, Bhojpur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Amresh Kumar Sinha, Advocate.

For the Respondents : Mr. Sunil Kumar Mandal, SC-3

Mrs. Neelam Kumar, AC to SC-3

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 06-08-2018

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

2. The present writ petition has been filed for the
following reliefs –

“(i) To issue an appropriate writ certiorari in nature setting aside the order dated 08.10.2014 vide memo no. 1316/Anu as contained in Annexure-3 of the writ petition issued under signature of Sub-Divisional Officer, Bhojpur by which the license of the petitioner has been cancelled.

(ii) To issue an appropriate writ/orders/direction in the nature of mandamus commanding and directing the respondents authorities to restore the license of petitioner



forthwith.

(iii) To any other relief (s) for which petitioner is entitled for in the facts and circumstances of the case."

3. Learned counsel for the petitioner makes a short submission to assail the impugned order on the ground that show cause notice was not served upon the petitioner and he was not given any opportunity of being heard or adducing evidence in that regard. A specific stand has been taken in para-6 of the writ petition that the impugned order of cancellation of licence has been passed without serving show cause notice 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-service of the show cause has not been controverted in the counter affidavit filed on behalf of the respondents.

5. In the above view of the matter, this Court is satisfied that non-service of the show cause notice to the petitioner has resulted in violation of natural justice and thus the decision making process stands vitiated. The impugned order dated 08.10.2014 (Annexure-3) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Bhojpur, Arrah for taking decision afresh in the matter after serving show cause notice upon the petitioner and granting an opportunity of



hearing in accordance with law. License 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 non-service of show cause notice 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/BT

AFR/NAFR	NAFR
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