

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10672 of 2014

=====

Aman Kumar Ranjan S/o Sri Mukeshwar Yadav, Village- Telia, Via- Barahat, P.S.
Banka, District- Banka

.... Petitioner

Versus

1. State of Bihar, through Principal Secretary, Food and Consumer Protection
Department, Government of Bihar, Patna
2. The District Magistrate Bhagalpur, District Bhagalpur
3. Sub-Divisional Officer, Banka, Dist- Banka

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Deepak Kumar, Advocate

For the Respondents : Mr. S.K. Sharma, GA 1

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 23-07-2018

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 13.09.2013 passed by the Collector, Banka in Supply
Appeal Case No. 83/2011-12, by which the Collector affirmed the order
dated 29.09.2011/01.10.2011 issued by Sub Divisional Officer-cum-
Licensing Officer, Banka by which licence of the petitioner has been
cancelled; and for connected reliefs.

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 paragraph 2(v) 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. Such infirmity could not be cured in the appeal as well.

4. Learned counsel for the respondents appears and has been heard. The stand of the petitioner with regard to non-supply of the enquiry report has not been controverted, as no counter affidavit has been filed till date even though about four years have elapsed since the writ petition was filed.

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 appellate order dated 13.09.2013 passed by the Collector, Banka in Supply Appeal Case No. 83/2011-12 (Annexure-5) and the impugned order dated 01.10.2011 (Annexure-3) are hereby quashed and the matter remanded to the Sub-Divisional Officer, Banka, District Banka 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. The licence of the petitioner shall be restored without delay until fresh orders are passed by the respondent



no. 3.

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)

B.T/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	25.07.2018
Transmission Date	N.A.

