

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5457 of 2014

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Ram Pravesh Singh Son of Late Mathura Singh Resident Of Sahjanand Nagar,
Sidhi Ghat, Ward No. 1, P.O.- Barh, P.S.- Barh, District- Patna

.... Petitioner

Versus

1. The State of Bihar, through the Chief Secretary, Government of Bihar at Patna
2. The Secretary, Food and Civil Supplies Department, Government of Bihar At Patna
3. The District Magistrate, Patna
4. The Additional District Magistrate (Supply), Patna
5. The Sub-Divisional Officer-Cum-Sub-Divisional Supply Officer, Supply Division, Barh, District- Patna
6. The Block Supply Officer, Barh, District- Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya, Adv
Mr. Dhananjay Nath Tiwary, Adv
For the Respondent/s : Mr. MANOJ KR. AMBASTHA

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 16-07-2018

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

2. The present writ petition has been filed for quashing the
order contained in memo no. 682 dated 16.11.2013 passed by the Sub-
Divisional Officer-cum-Licensing Authority, Barh by which licence of
the petitioner's Fair Price shop bearing no. 39/07 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 neither any show cause notice or the enquiry report was 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 14 of the writ petition that the impugned order of cancellation of licence has been passed without serving show cause notice and the connected enquiry report to the petitioner, though the same have been relied upon in the impugned order.

4. Learned counsel for the respondents appears and has been heard.

5. In the above view of the matter, this Court is satisfied that non-service of the show cause notice and 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 16.11.2013 (Annexure-1) is hereby quashed and the matter remanded to the Sub-Divisional Officer-cum-Licensing Authority, Barh for taking decision afresh in the matter after serving show cause notice and the enquiry report upon 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. 5.



6. It is made clear that in case the stand of the petitioner denying non-service of show cause notice and the enquiry rereport 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
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