

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

**Civil Writ Jurisdiction Case No.15200 of 2015**

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Ram Binod Thakur S/o Late Rajeshwar Tahkur Resident of Village- Raghauli,  
P.S.- Bisfi, District- Madhubani.

.... .... Petitioner/s

Versus

1. The State of Bihar .
2. The Principal Secretary, Food and Consumer Protection Department,  
Government of Bihar, Patna.
3. The Joint Secretary, Food and Consumer Protection Department,  
Government of Bihar, Patna.
4. The Collector, Madhubani.
5. The Sub-Divisional Officer, Benipatti, District- Madhubani.
6. The Block Supply Officer, Bisfi Prakhanda, District- Madhubani.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Murari Narain Chaudhary

For the Respondent/s : Mr. AAG13-A.K.CHAUDHARY

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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 quashing the order  
dated 24.04.2014 in Appeal Case No. 89 of 2012-13 passed by the  
Collector, Madhubani affirming the order dated 19.10.2012 passed by the  
Sub-Divisional Officer-cum-Licensing Authority, Benipatti (Madhubani) by  
which licence of the petitioner's Fair Price shop bearing no. 28/2007 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 for proposed cancellation of the enquiry report was served upon the petitioner nor he was 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 for proposed cancellation 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 for proposed cancellation 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 19.10.2012 (Annexure-1) and appellate order dated 24.04.2014 are hereby quashed and the matter remanded to the Sub-Divisional Officer-cum-Licensing Authority, Benipatti (Madhubani) 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

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