IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4244 of 2017

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Rambadan Singh Son Of Late Kailash Singh, Resident Of Village- Neema, Village Panchayat- Basarhi, Police Station- Bodh Gaya, District- Gaya.

.... Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Department of Food and Consumers Protection, Government Of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub Divisional Officer, Sadar Gaya, District- Gaya.
4. The Block Supply Officer, Bodh Gaya, District- Gaya.

.... Respondents

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Appearance :
For the Petitioner : Mr. Binay Kumar, Advocate
For the Respondents : Mr. Arvind Ujjwal-SC4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT
Date: 09-02-2018

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

2. The present writ petition has been filed for quashing the whole proceeding of Supply Appeal No. 35 of 2016 pending before the learned Collector, Gaya and further for quashing the order dated 19.05.2016 passed by the Licensing Authority–cum-Sub-Divisional Officer, Sadar Gaya whereby the licence no. 01/11 of the petitioner granted has been cancelled.

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

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adducing evidence in that regard. A specific stand has been taken in paragraph 7 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 copy of the 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 copy of the enquiry to the petitioner has resulted in violation of natural justice and thus the decision making process stands vitiated. The whole proceeding of Supply Appeal No. 35 of 2016 passed by the Collector, Gaya and the impugned order dated 19.05.2016 (Annexure-2) are hereby quashed and the matter remanded to the Sub-Divisional Officer, Gaya 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. 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

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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	16.02.2018
Transmission Date	N.A

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