

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14305 of 2017

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Om Prakash son of Late Durga Prasad resident of Kathotar Talab Bari Road
Near Dr. D.P. Khaitan, P.S. - Kotwali, Dist - Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub-Divisional Officer Sadar, Gaya.
4. The Block Supply Officer, Manpur, Gaya.
5. The Superintendent of Police, Gaya.
6. The Officer-In-Charge Delha Police Station, Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bibhuti Narayan, Adv

For the Respondent/s : Mr. ARVIND UJJWAL-SC4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 18-01-2018

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. 762 dated 18.08.2017 passed by the learned
District Magistrate, Gaya by which the licence of the petitioner's
wholesale Kerosene Oil dealership bearing No. 81 of 1986 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 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 para 9(i) and (vi) 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. It is also submitted that the impugned order has been passed without assigning reasons for not accepting the plea taken in the petitioner's show cause.

4. Learned counsel for the respondents appears and has been heard. The stand of the petitioner with regard to non-supply of 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 enquiry report to the petitioner has resulted in violation of natural justice and thus the decision making process stands vitiated. The impugned order dated 18.08.2017 (Annexure-5) is hereby quashed and the matter remanded to the learned District Magistrate, Gaya (respondent no. 2) 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. 2.

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)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
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