

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18329 of 2017

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Nasra Parween, W/o Md. Miraj, resident of Village- Makia, Panchayat-
Bishanpur, P.S.- Benipatti, District- Madhubani.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Department of Food & Consumer Protection, Government of Bihar, Patna.
2. The Collector, Madhubani.
3. The Sub Divisional Officer, Benipatti, District- Madhubani. null null
4. The Block Supply Officer, Benipatti, District- Madhubani.

.... Respondents

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Appearance :

For the Petitioner : Mr. Dhananjaya Nath Tiwari, Advocate.

For the Respondents : Mr. S.Raza Ahmad, AAG-5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 09-03-2018

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

2. The present writ petition has been filed for setting
aside the show cause notice contained in Memo No. 270 dated
15.05.2017; and also for quashing the order contained in Memo
No. 659 dated 09.11.2017 passed by learned S.D.O., Benipatti,
Madhubani by which PDS license of the petitioner has been cancelled
being license no. 145 of 2016; and further be pleased to restore the
license of the petitioner.

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 paragraphs-12 & 14 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 has been relied upon in the impugned order..

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 09.11.2017 (Annexure-3) and the show cause notice dated 15.05.2017 (Annexure-1) are hereby quashed and the matter remanded to the Sub-Divisional Officer, Benipatti, Madhubani 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



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)

Md. Ibrarul/BT

AFR/NAFR	NAFR
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