

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18309 of 2017

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Yogendra Singh S/o Late Bhujawan Singh, Resident of Village - Uddaini,
Panchayat - Kanouji Kachhuara (Sampatchak), P.S. - Gopalpur, District - Patna.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Food & Consumer Protection Department, Bihar, Patna.
2. The District Magistrate-cum-Collector, Patna.
3. The Sub-Divisional Officer, Patna Sadar, Patna.
4. The Block Supply Officer, Sampatchak, Patna.

.... Respondents

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Appearance :

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

For the Respondents : Mr. Arvind Ujjwal, SC-4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 14-03-2018

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. 2665 dated 25.08.2011 passed by the learned Sub-Divisional Officer, Patna Sadar by which the license of the petitioner being license no. 10 of 2007 has been cancelled; and also for quashing the order dated 07.05.2014 passed in E.C. Appeal Case No. 48 of 2011-12 passed by the learned Collector-cum-District Magistrate, Patna by which he was pleased to dismiss the appeal; 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 paragraph-12 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. Such infirmity could not be cured in the appeal.

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-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 25.08.2011 (Annexure-3) and the appellate order dated 07.05.2014 (Annexure-5) are hereby quashed and the matter is remanded to the Sub-Divisional Officer, Patna Sadar, Patna 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

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