

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4002 of 2011

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Md.Nayeem Khan Late Nazid Khan Mohalla Raushan Tola, Ward No. 9, Nagar Panchayat Haveli Kharagpur, Dist. Munger.

.... Petitioner/s

Versus

1. The State Of Bihar
2. The District Magistrate, Munger.
3. The S.D.O., Haveli Kharagpur, Dist. Munger.
4. The Executive Officer, Nagar Panchayat, Haveli Kharagpur, Munger.

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Sanjay Mandal, Adv

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-07-2018

The present writ petition has been filed for quashing the order dated 03.02.2011 contained in Memo No. 44 issued by the Executive Officer, Nagar Panchayat, Haveli Kharagpur, Munger by which the petitioner's licence of contractorship has been cancelled without giving any opportunity of hearing.

2. None appears on behalf of the petitioner despite repeated calls.

3. A perusal of the prayer in the writ petition and the averments made in para 13 thereof discloses that the ground for challenge to the impugned order of cancellation of the petitioner's licence of contractorship and recommendation for blacklisting in terms of memo no. 44 dated 03.02.2011 (Annexure-1) is that the same has been passed without grant of opportunity of hearing and hence in violation of natural justice.



4. Learned counsel for the respondents relies on the counter affidavit to oppose the writ petition and it is submitted that the petitioner has concealed that memo no. 317 dated 06.09.2010 (Annexure-A to the counter affidavit) was duly issued to the petitioner, in response to which the petitioner had responded by his show cause reply dated 13.09.2010 (Annexure-B to the counter affidavit) and thereafter the impugned order has been passed.

5. The stand of the respondents has not been controverted as no rejoinder has been filed on behalf of the petitioner.

6. Considering that the ground for challenge to the impugned order dated 03.02.2011 is failure to grant prior opportunity of hearing, which has been shown to be incorrect, the writ petition is devoid of merit and stands dismissed.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
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