

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.2815 of 2014**

=====

Om Ranjan Singh son of Late Nathun Singh, resident of Village- Sidhikhap, P.S.-  
Barachati, Distt.- Gaya

.... .... Petitioner

Versus

1. The State of Bihar through the Chief Secretary, Bihar, Patna
2. The District Magistrate, Gaya
3. The District Supply Officer, Gaya
4. The Sub-Divisional Officer, Sherghati, Distt.- Gaya
5. The Block Supply Officer Bankey Bazar, Sherghati, Dist. Gaya

.... .... Respondents

=====

**Appearance :**

For the Petitioner : Mr. Rajani Kant Singh, Advocate.

For the Respondents : Mr. Rajiv Roy, Advocate.

=====

**CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN**

**ORAL JUDGMENT**

**Date: 17-07-2018**

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

2. The present writ petition has been filed for quashing  
the order dated 13.09.2013 passed by respondent no. 4 in Supply Case  
No. 34 of 2013 as contained in Annexure-4 whereby and whereunder  
the licence of the petitioner being licence no. 145/2007 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 adducing evidence in that regard. A specific stand has been taken in paragraph-10 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 in the counter affidavit filed on behalf of the respondents.

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 13.09.2013 (Annexure-4) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Sherghati, 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. Licence of the petitioner shall be restored without delay until fresh orders are passed by the respondent no. 4.

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       |
| CAV DATE          | N.A.       |
| Uploading Date    | 20.07.2018 |
| Transmission Date | N.A.       |

