

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7125 of 2015

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Bikan Prasad Bhagat S/o Sri Shakhichandra Bhagat Resident of Hari Bela, P.S. -
Bathnaha, District- Sitamarhi.

.... Petitioner

Versus

1. The State of Bihar through the Collector, Sitamarhi.
2. The Collector, Sitamarhi.
3. The Sub Divisional Officer, Sitamarhi.
4. The Block Supply Officer, Bathnaha, Sitamarhi.

.... Respondents

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Appearance :

For the Petitioner : Mr. Dhananjaya Nath Tiwari, Advocate
For the Respondents : Mr. Prashant Pratap, GP 6

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 03-05-2018

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

2. The present writ petition has been filed for setting aside
the order dated 08.12.2014 issued by learned Sub-Divisional Officer,
Sitamarhi by which licence bearing Licence No. 66/2007 granted
under the provision of Fair Price Shop Order and/or the PDS Order
2001 for carrying on business of Fair Price Shop 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 with the show cause 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 5 of the supplementary affidavit that the impugned order of cancellation of licence has been passed without providing a copy of the enquiry report with the show cause to the petitioner, though the same had 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 the enquiry report has not been controverted in the counter affidavit.

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 08.12.2014 issued by learned Sub-Divisional Officer, Sitamarhi (Annexure-1) is hereby quashed and the matter remanded to him 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 provided that the fair price shop of the petitioner has not been allotted in favour of any person in the meantime 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)

B.T/-

AFR/NAFR	NAFR
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