

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7403 of 2015

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Arvind Kumar S/o Sri Dularchand Sah resident of village- Arhit, Panchayat Naeema, P.S.- Modanganj, P.O. Daulatpur, Dist: Jehanabad (an ex- P.D.S. dealer of Prakhand Modanganj).

.... Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Govt. of Bihar, Old Secretariat, Patna-1.
2. The Collector Jehanabad.
3. District Supply Officer, Jehanabad.
4. Sub Divisional Officer, Jehanabad.
5. Assistant District Supply Officer, Jehanabad.
6. Block supply officer, Modanganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Aditya Narayan, Adv
Mr. Akhilesh Kumar Sinha, Adv
For the Respondent/s : Mr. Madanjeet Singh, GP 20
Mr. Rajeev Ranjan, AC to GP 20

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 13-08-2018

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 26.11.2014 passed by the Collector, Jehanabad in Supply Appeal No. 33 DM/2013, affirming the order dated 12.07.2013 passed by the Sub Divisional Officer, Jehanabad whereby the licence of the petitioner's Fair Price shop bearing no. 06/2007 has been cancelled and monthly allotment has been stopped; and further to restore the



petitioner's licence.

3. Learned counsel for the petitioner makes a short submission to assail the impugned order on the ground that a copy of the complaint to the Lokayukta 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 para 9 of the writ petition that the impugned order of cancellation of licence has been passed without providing a copy of the complaint to the petitioner, though the same had been relied upon in the impugned order. Such infirmity could not be cured in the appeal as well.

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 appellate order dated 26.11.2014 (Annexure-4) and the impugned order dated 12.07.2013 are hereby quashed and the matter remanded to the Sub-Divisional Officer, Jehanabad for taking decision afresh in the matter after supplying a copy of the complaint 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)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.08.2018
Transmission Date	NA

