

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6761 of 2015

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Raja Ram Paswan S/o Late Ram Krishna Paswan, resident of village-
Modanganj, P.S.- Ghoshi, Distt.- Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Old Secretariat, Patna-1.
2. The Joint Secretary, Food & Consumer Protection Department, Govt. of Bihar, Old Secretariat, Patna-1.
3. The Collector, Jehanabad.
4. The Sub Divisional Officer, Jehanabad.
5. The Assistant District Supply Officer, Jehanabad.
6. The Block Supply Supplier, Modanganj.
7. The Block Supply Officer, Town Area, Jehanabad, Dist. Jehanabad.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Aditya Narayan, Adv

For the Respondent/s : Mr. GP27- PURNENDU SINGH

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 16-08-2018

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 06.08.2014 passed by the Collector, Jehanabad in Supply
Appeal No. 17/2014 affirming the order dated 30.05.2012 passed by
the Sub Divisional Officer, Jehanabad by which the licence of the
petitioner's Fair Price shop bearing no. 33 of 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 and comments on the allegations were 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 18 of the writ petition that the impugned order of cancellation of licence has been passed without providing a copy of complaint and comments on the allegations 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 impugned order dated 30.05.2012 (Annexure-6) and the appellate order dated 06.08.2014 (Annexure-10) 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 complaint and comments on the allegations 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 complaint and comments on the allegations 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/Md. Ibrarul

AFR/NAFR	NAFR
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