

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4993 of 2018

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Anbari Khatoon @ Most Anbari Khatoon @ Smt. Anbari Khatoon Wife of
Mohammad Varish Resident of Village- Tirma, P.O. Bhare, P.S.
Fatehpur, District- Gaya.

.... Petitioner

Versus

1. The Principal Secretary, Food and Consumer Protection Department, Bihar at Patna.
2. The Sub-Divisional Officer cum Licensing Authority, Sadar Gaya P.S. Sadar Gaya, District- Gaya.
3. The District Supply Officer, Gaya, District-Gaya.
4. The Assistant Director Supply Officer, Gaya, District- Gaya.
5. The Assistant Godown Manager, Fatehpur, P.S. Fatehpur, District- Gaya,.
6. The Circle Officer, Fatehpur, P.S.- Fatehpur, District- Gaya.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sumeet Kumar Singh, Adv

For the Respondent/s : Mr. S.RAZA AHMAD -AAG5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 02-04-2018

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

2. The present writ petition has been filed for quashing the
order contained in memo no. 741 dated 09.11.2017/10.11.2017 passed
by the Sub-Divisional Officer, Sadar, Gaya by which licence of the
petitioner's Fair Price shop bearing no. 59/96 (Old licence No. 83 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 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 para 9 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 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 enquiry report has not been controverted, as no counter affidavit has been filed till date.

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 09.11.2017/10.11.2017 (Annexure-1) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Sadar, 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. Supplies to the petitioner shall be restored without delay until fresh orders are passed by the respondent no. 2.

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
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