

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12361 of 2018

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Sri Niwas Prasad, Son of Sri Jang Bahadur Prasad Gupt alias Jang Bahadur Prasad Gupta, resident of Ward No. 14, Malaahi tola, Police Station- Thakraha, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
3. The District Magistrate, West Champaran, Bettiah.
4. The Sub Divisional Officer, Bagaha, West Champaran, Bettiah.
5. The District Supply Officer, West Champaran, Bettiah.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Adv

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

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 10-07-2018

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

2. The present writ petition has been filed for quashing the
order contained in memo no. 246 dated 18.04.2018 passed by the Sub-
Divisional Officer, Bagaha, West Champaran, Bettiah by which licence
of the petitioner's Fair Price shop bearing no. 13/2007 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 7 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.

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 18.04.2018 (Annexure-3) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Bagaha, West Champaran, Bettiah 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. 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

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.07.2018
Transmission Date	NA

