

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18290 of 2016

=====

Gauri Shankar Prasad, Son of Sri Ram Khelawan Pandit, Resident of Village-Nandnama, P.S.-Ramgarh Chowk, District-Lakhisarai

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food & Civil Supply, Department, Old Secretariat, Patna, Bihar
2. The Collector, Lakhisarai
3. The Sub-Divisional Officer, Lakhisarai
4. The Block Supply Officer, Ramgarh Chowk, Lakhisarai

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Vijay Anand, Advocate

For the Respondents : Smt. Namrata Mishra, GA6

Mr. Alok Ranjan, AC to GA 6

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 08-02-2018

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

2. The present writ petition has been filed challenging the order dated 05.09.2016 passed by Collector, Lakhisarai in Supply Appeal No. 71/2015-16 by which the appeal preferred by the petitioner is dismissed and affirming the order of cancellation of licence dated 06.11.2015 passed by the Sub-divisional Officer, Lakhisarai.

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 paragraph 11 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. Such infirmity could not be cured in the appeal as well.

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 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 appellate order dated 05.09.2016 passed by the Collector, Lakhisarai in Supply Appeal No. 71/2015-16 as contained in Annexure-4 and the impugned order dated 06.11.2015 passed by Respondent no. 3 as contained in Annexure-3 are hereby quashed and the matter remanded to the Sub-Divisional Officer, Lakhisarai 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. 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/Chandran

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	13.02.2018
Transmission Date	N.A.

