

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6782 of 2016

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Devendra Kumar Singh son of Chahak Lal Singh, resident of village- Pakrail,
P.S.- Gogari, District- Khagaria

.... Petitioner

Versus

1. The State of Bihar through Collector, Khagaria
2. The S.D.O., Gogari, Khagaria

.... Respondents

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Appearance :

For the Petitioner : Mr. Vijay Anand, Advocate

For the Respondents : Mr. Mukul Prasad, AC to GP 18

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 09-05-2018

Heard learned counsel for the petitioner as well as learned
counsel for the respondents.

2. The present writ petition has been filed for setting aside
the order dated 12.09.2012 passed by learned Sub-Divisional Officer,
Gogari whereby and whereunder the licence no. 61G/07 for carrying on
the business of PDS shop has been cancelled.

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.



4. Learned counsel for the respondents appears and has been heard. The stand of the petitioner with regard to non-supply of the 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 impugned order dated 12.09.2012 (Annexure-1) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Gogari , Khagaria 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.

B.T/Chandran

(Vikash Jain, J)

AFR/NAFR	NAFR
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