

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15764 of 2014

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Rameshwar Sah @ Rameshwar Sao, Son of Ghyani Sao, Resident of Mohalla -
Ramdas Path Gali, Mithapur, P.S. - Jakkanpur, Town & District - Patna.

.... Petitioner

Versus

1. The State of Bihar through the Joint Secretary, Food & Consumer Protection Department, Patna.
2. The Collector, Patna.
3. The Special Officer, Rationing, Patna.
4. The Assistant Rationing Officer, Patna.

.... Respondents

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Appearance :

For the Petitioner : Mr. Dhananjaya Nath Tiwari, Advocate

For the Respondents : Mr. Priyank Deepak, AC to SC 19

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 10-04-2018

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. 1534 dated 28.08.2012 by which the
licence granted under the provision of Bihar Trade Articles (Licenses
Unification) Order, 1984 for carrying on business of kerosene oil as
Thela Vendor has been cancelled by Special Officer, Rationing, Patna
and further for quashing the order dated 25.02.2014 passed in E.C.
Appeal No. 102/2012-13 by which learned Collector, Patna rejected
the appeal filed by the petitioner and affirmed the order dated
28.08.2012 of the Special Officer, Rationing.

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 21 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 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 appellate order dated 25.02.2014 passed by the Collector, Patna in E.C. Appeal No.102/2012-13 (Annexure-2) and the impugned order dated 28.08.2012 (Annexure-1) are hereby quashed and the matter remanded to the Special Officer, Rationing, Patna (Respondent No. 3) 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.
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