

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22011 of 2014

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Sheo Shankar Singh Son of Late Ram Brikeh Singh Resident of Village- Tarari,
P.S.- Konch, District- Gaya

.... Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Magadh Division, Gaya
3. The District Magistrate, Gaya
4. The Sub-divisional Officer, Tekari, Gaya
5. The District Supply Officer, Gaya
6. The Executive Magistrate, Tekari, Gaya

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Singh, Sr. Adv
Mr. Mukesh Kumar Singh, Adv

For the Respondent/s : Mr. A. UJJWAL,

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 05-03-2018

Heard learned senior 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. 34 dated 06.02.2013 passed by the Sub-
Divisional Officer, Tekari, Gaya, the appellate order dated 13.02.2014 in
Appeal No. 48 of 2013 passed by the District Magistrate, Gaya as also the
revisional order dated 17.07.2014 in Revision No. 89/2014 passed by the
Commissioner, Magadh Division, Gaya by which the licence of the
petitioner's Fair Price shop bearing no. 13/86 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 3 of the supplementary affidavit 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 as in the revision.

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 06.02.2013 (Annexure-1), the appellate order dated 13.02.2014 (Annexure-2) and the revisional order dated 17.07.2014 (Annexure-3) are hereby quashed and the matter remanded to the Sub-Divisional Officer, Tekari, 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. 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/BT

AFR/NAFR	NAFR
CAV DATE	NA
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