

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.22348 of 2014

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Sita Ram Singh Son of Janak Singh Resident of Village - Jhajhawan Bazar, P.S-
Sidhwaliya, District - Gopalganj.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar, Patna.
2. The Commissioner, Saran Division Chapra.
3. The Collector, Gopalganj.
4. The Sub Divisional Officer, Gopalganj.
5. The Block- Supply Officer, Sidhwaliya, District - Gopalganj

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uday Pratap Singh

For the Respondent/s : Mr. GP-17 BINODJI VERMA

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 13-08-2018

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

2. The present writ petition has been filed for quashing the
order dated 11.08.2014 passed by the Divisional Commissioner, Saran
Division, Charpa the appellate order dated 24.10.2011 in Misc. (Supply)
Appeal Case No. 04/2011 passed by the District Magistrate, Gopalganj as
also the impugned order dated 08.03.2011 passed by the Sub Divisional
Officer, Sadar, Gopalganj by which the licence of the petitioner's Fair Price
shop bearing no. 29/07 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. A counter affidavit has been filed on behalf of the respondents in which the stand of the petitioner has not been controverted.

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 revisional order dated 11.08.2014 (Annexure-9), the appellate order dated 24.10.2011 (Annexure-5) and the impugned order dated 08.03.2011 (Annexure-4) are hereby quashed and the matter remanded to the Sub-Divisional Officer, Sadar, Gopalganj 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. Licence of 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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