

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19456 of 2015

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Binod Kumar Paswan Son of Sri Ramji Paswan, Resident of Bindawan Harizan Colony, P.s Lakhisarai, District Lakhisarai.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Munger Division, Munger.
3. The Collector, Lakhisarai.
4. The Sub-Divisional Officer, Lakhisarai,
5. The Block Supply Officer, Lakhisarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. N.K.Agrawal, Sr. Adv
Mr. Dhananjaya Nath Tiwari, Adv
For the Respondent/s : Mr. SC26- AMAR NATH DEO

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-08-2018

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 05.11.2014 passed by the Divisional Commissioner, Munger in Supply Revision Case No. 280 of 2014 and the order dated 10.09.2014 in Supply Appeal Case No. 23/2013-14 passed by the District Magistrate-cum-Collector, Lakhisarai affirming the order dated 07.12.2013 passed by the Sub Divisional Officer, Lakhisarai by which the licence of the petitioner's Fair Price shop bearing no. 2/1995 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 17 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 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 statement made in para 17 by 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 impugned order dated 07.12.2013 (Annexure-3), the appellate order dated 10.09.2014 (Annexure-2) and the revisional order dated 05.11.2014 (Annexure-1) 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.



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

AFR/NAFR	NAFR
CAV DATE	NA
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