

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12052 of 2018

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Chandra Kishor Singh, Son of Late Manbodh Singh, Resident of Village- Manas Naya, Post- Panapur, P.S.- Digha, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The Commissioner, Patna Division, Patna.
3. The Collector and District Magistrate, Patna, District- Patna.
4. The Sub Divisional Officer, Danapur, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Labh, Adv

For the Respondent/s : Mr. ARVIND UJJWAL SC4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 03-07-2018

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. 893 dated 06.04.2014 passed by the Sub-Divisional Officer, Danapur, District Patna the appellate order dated 07.04.2016 in E.C. Appeal Case No. 60/2014-15 passed by the District Magistrate, Patna as also the revisional order dated 20.02.2018 in Revision No. 92 of 2016 passed by the Divisional Commissioner, Patna by which the licence of the petitioner's Fair Price shop bearing no. 17/07 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 15 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.

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 06.04.2014 (Annexure-1), the appellate order dated 07.04.2016 (Annexure-4) and the revisional order dated 20.02.2018 (Annexure-5) are hereby quashed and the matter remanded to the Sub-Divisional Officer, Danapur, District Patna 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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