

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18360 of 2016

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Umesh Paswan, son of Late Jethu Paswan, resident of Village- Teen Tanga, P.S.-
Tikkapatti, District- Purnea.

.... Petitioner

Versus

1. The State of Bihar through Secretary, Food & Civil Supply Department, Old
Secretariat, Patna.
2. The Collector, Purnea.
3. The S.D.O. Dhamdaha, Purnea.
4. The Block Supply Officer, Rupauli, Purnea.

.... Respondents

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Appearance :

For the Petitioner : Mr. Vijay Anand, Advocate

For the Respondents : Mr. S. Raza Ahmad-AAG5
Mr. Alok Ranjan, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 14-03-2018

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 06.09.2016 passed by the Collector, Purnea whereby and
whereunder the appeal preferred by the petitioner was dismissed and
confirming the order of S.D.O. dated 20.06.2014 by which licence of the
petitioner's 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 paragraph 12 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, as no counter affidavit has been filed till date.

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 06.09.2016 passed by the Collector, Purnea in Supply Appeal Case No. 85 of 2014 (Annexure-4) and the impugned order dated 20.06.2014 (Annexure-3) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Dhamdaha, District Purnea 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.

B.T/Chandran

(Vikash Jain, J)

AFR/NAFR	NAFR
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