

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17439 of 2015

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Surti Devi wife of Late Yogendra Das, resident of village - Phulwariya, Block +
P.S. Mahua, District - Vaishali

.... Petitioner

Versus

1. The State of Bihar
2. District Magistrate, Vaishali at Hajipur
3. Sub - Divisional Officer - Cum - Licensing Authority, Mahua, Vaishali
4. Assistant District Supply Officer, Mahua, Vaishali
5. Block Supply Officer, Mahua, Vaishali

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajeev Ranjan, Advocate.

For the Respondents : None

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 18-08-2018

The present writ petition has been filed for the following

reliefs –

- “(i) For directing and commanding the respondents to quash the Memo no. 103 dated 14.02.2014 (Annexure-6) passed by the respondent no. 3, Sub-Divisional Officer-cum-Licensing Authority, Mahua, Vaishali whereby and whereunder license of the P.D.S. shop of the petitioner bearing its number 76/07 has been cancelled with immediate effect without issuing the notice against proposed cancellation and without accepting and considering the reply to the show cause of the petitioner.*
- (ii) For directing and commanding the respondents to restore the license of the P.D.S shop of the petitioner bearing its number 76/07.*



(iii) And also for any other relief/reliefs for which petitioner is found to be legally entitled under the facts and circumstances of the case."

2. It is submitted that a second inspection was made on 11.01.2014 and the relevant enquiry report was made the foundation of the impugned order of cancellation dated 13.01.2014. However a copy of such enquiry report was not supplied to the petitioner.

3. None appears on behalf of the respondents when the matter is called.

4. 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 14.02.2014 (Annexure-6) is hereby quashed and the matter remanded to the Sub-Divisional Officer-cum-Licensing Authority, Mahua, Vaishali 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. License of the petitioner shall be restored without delay until fresh orders are passed by the respondent no. 3.

5. 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.

6. The writ petition stands allowed as above.

(Vikash Jain, J)

Md. Ibrarul/-

AFR/NAFR	NAFR
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