

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10860 of 2017

=====

Bijay Kumar Das Son of Late Kishun Das, Resident of Village- Amba, P.S.-
Shahkund, Block- Shahkund, District- Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food & Civil Supplies,
Government of Bihar, Patna.
2. The District Magistrate, Bhagalpur.
3. The Sub Divisional Officer, Sadar, Bhagalpur.
4. The District Supply Officer, Bhagalpur.
5. The Block Development Officer, Block- Shahkund, District- Bhagalpur.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Chandra Shekhar Sharma, Adv

For the Respondent/s : Mr. ARVIND UJJWAL-SC4

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 19-02-2018

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. 839 dated 26.12.2016 passed by the Sub-
Divisional Officer, Bhagalpur by which licence of the petitioner's Fair
Price shop bearing no. 11/93(old)/35 of 2016(new) 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 10 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.

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 26.12.2016 (Annexure-7) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Sadar, Bhagalpur 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.

(Vikash Jain, J)

Chandran/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.02.2018
Transmission Date	NA

