

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6635 of 2015

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Anant Tiwari son of Late Deo Dhari Tiwari resident of Village Baghakol
Tetaria, Post- Salempur, P.S. Ara (Mufassil), District- Bhojpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. The Principal Secretary, Department of Food and Consumer Protection, Old
Secretariat, Bihar, Patna.
3. The Collector-Cum-District Magistrate, Bhojpur at Ara.
4. The Sub Divisional Officer, Sadar Ara, District- Bhojpur.
5. The Block Supply Officer, Sadar Ara, District- Bhojpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar Pandey, Adv

For the Respondent/s : Mr. VINAY KIRTI SINGH- GA3

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 04-09-2018

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 07.11.2014 passed by the District Magistrate-cum-Collector,
Bhojpur at Ara affirming the order dated 24.12.2011 passed by the Sub-
Divisional Officer, Sadar, Ara by which the licence of the petitioner's Fair
Price shop 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 7 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.

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 24.12.2011 (Annexure-3) and the appellate order dated 07.11.2014 (Annexure-7) are hereby quashed and the matter remanded to the Sub-Divisional Officer, Sadar,Ara 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/BT

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.09.2018
Transmission Date	NA

