

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.4326 of 2018

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Ram Bilas Singh, Son of Late Lal Bahadur Singh, resident of Village-
Bhagwatpur, P.O.- Dharampur, P.S. and District- Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The Collector, Vaishali, District- Vaishali.
3. The Sub- Divisional Officer, Hajipur, District- Vaishali.

.... Respondent/s

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Appearance:

For the Petitioner : Mr. Rajeev Kumar Labh, Adv
For the Respondents : Mr. ARVIND UJJWAL- SC4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 30-03-2018

Heard learned counsel for the petitioner and learned counsel for the respondents.

2. The present writ petition has been filed for quashing the order contained in memo no. 164 dated 16.02.2018 passed by the Sub-Divisional Officer, Hajipur by which licence of the petitioner's PDS shop bearing no. 34/16 has been cancelled and monthly allotment has been stopped; and further to restore the petitioner's license.

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 by granting an opportunity of being heard and adducing evidence in that regard. It is further submitted that the licensing authority has granted only three days' time for submission of reply to first show cause notice and 24 hours for replying second show cause, which is unreasonable and insufficient.

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 16.02.2018 (Annexure-1) is hereby quashed and the matter remanded to the S.D.O., Hajipur for taking decision afresh in the matter after supplying a copy of the enquiry report to the petitioner and granting adequate opportunity of hearing in accordance with law. Supplies to the petitioner shall be restored without delay until fresh orders are passed.

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
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