

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16837 of 2017

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Narsingh Prasad Bimal, Son of Late Doman Yadav, Resident of village Sarobagh,
Badi Govindpur, P.S. Dharhara, District Munger.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Food and Civil Supplies, Govt. of Bihar, Patna.
3. The District Magistrate, Munger.
4. The Sub Divisional Officer, Sadar, Munger.
5. The Block Supply Officer, Dharhara, Munger.

.... Respondent/s

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Appearance :

For the Petitioner/s : Ms. Sushmita Mishra

For the Respondent/s : Mr. ARBIND UJJAWAL - SC4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 19-06-2018

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. 342 dated 28.03.2017 passed by the Sub-
Divisional Officer, Sadar, Munger and the appellate order dated
16.06.2017 in PDS Appeal No. 35/17-18 passed by the Collector-cum-
District Magistrate, Munger by which the licence of the petitioner's Fair
Price shop bearing no. 20/2008 (old) and 2400040219/2016 (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 2(i) 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 28.03.2017 (Annexure-2) and the appellate order dated 16.06.2017 (Annexure-1) are hereby quashed and the matter remanded to the Sub-Divisional Officer, Sadar, Munger 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. 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
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