

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16637 of 2017

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Prabhu Nath Rai, Son of Late Gokhul Rai, Resident of Village- Fairullahpur, P.S.-
Baikunthpur, District- Gopalganj.

.... Petitioner

Versus

1. The State of Bihar.
2. Divisional Commissioner, Saran Division, Chapra.
3. District Magistrate cum Collector, Gopalganj.
4. Sub Divisional Officer, Gopalganj, District- Gopalganj.
5. Block Supply Officer, Gopalganj, District- Gopalganj.

.... Respondents

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Appearance :

For the Petitioner : Mr. Naresh Chandra Verma

For the Respondents : Mr. Arbind Ujjawal, SC-4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 08-05-2018

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 31.07.2017 passed by respondent no. 2 in Supply
Revision No. 268 of 2015 as contained in Annexure-5 and the order
dated 11.09.2015 passed by respondent no. 3 in Supply Appeal No. 11
of 2014 as contained in Annexure-4 and the order dated 31.07.2014
passed by respondent no. 4 in Supply Case No. 4 of 2014 as contained
in Annexure-5.

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 nor the



statement of consumers/beneficiaries were given and he was never given an opportunity of being heard or adducing evidence in that regard. A specific stand has been taken in paragraph-6 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 nor the statement of consumers/beneficiaries were supplied to him. Thus there is a clear violation of principles of natural justice. Such infirmity could not be cured in the appeal and revision as well.

4. Learned counsel for the respondents appears and has been heard. The stand of the petitioner with regard to non-supply of enquiry report nor the statement of consumers/beneficiaries was made to him has not been controverted, as no counter affidavit has been filed till date.

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 31.07.2014 passed by the Sub-Divisional Officer, Gopalganj in Supply Case No. 4 of 2014 (Annexure-3), the appellate order dated 11.09.2015 passed by the District Magistrate cum Collector, Gopalganj in Supply Appeal No. 11 of 2014 (Annexure-4) as well as the revisional order dated 31.07.2017 passed in Supply Revision No. 268 of 2015 (Annexure-5) are hereby quashed and the matter remanded to the Sub-Divisional Officer, Gopalganj,



District- Gopalganj 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)

Md. Ibrarul/BT

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	15.05.2018
Transmission Date	N.A.

