

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13034 of 2018

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Kamla Ram son of Krishn Ram, resident of Khopira, P.O. + P.S. Khopira,
District- Bhojpur, Bihar.

.... Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply ,
New Secretariat, Patna.
2. The District Magistrate, Bhohjpura, Ara
3. The Sub-Divisional Officer, Sadar Ara Bhojpur.

.... Respondents

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Appearance :

For the Petitioner : Mr. Sanjeev Kumar Mishra, Advocate.

For the Respondents : Mr. S.RAZA Ahmed, AAG-5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 10-07-2018

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

2. The present writ petition has been filed for the
following reliefs -

*“(i) For quashing the order contained in Memo No. 1634
dated 29.06.2018 passed by respondent Sub-Divisional
Officer, Sadar Ara by which the license of the petitioner has
been cancelled.*

*(ii) For directing upon the respondent authorities to
restore the license of the petitioner forthwith.*

*(iii) Any other order or orders as your Lordships may deem
fit and proper in the facts and circumstances of the case be
granted to the petitioner.”*

3. Learned counsel for the petitioner makes a short



submission to assail the impugned order on the ground that a copy of the inspection 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 paragraph-6 of the writ petition that the impugned order of cancellation of licence has been passed without providing a copy of the inspection report to the petitioner, though the same has been relied upon in the impugned order.

4. Learned counsel for the respondents appears and has been heard. The stand of the petitioner with regard to non-supply of inspection report 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 inspection report to the petitioner has resulted in violation of natural justice and thus the decision making process stands vitiated. The impugned order dated 29.06.2018 (Annexure-2) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Sadar Ara, Bhojpur for taking decision afresh in the matter after supplying a copy of the inspection 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 inspection 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/-

AFR/NAFR	NAFR
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