

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.2781 of 2019

=====

Anjani Kumar Singh @ Anjani Kumar Thakur, aged about 46 years (Male),
Son of Amresh Kumar Thakur, resident of village-Suvas Kesho, P.S. Gaighat
District- Muzaffarpur

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumer Protection, Bihar Patna
2. The District Magistrate Muzaffarpur
3. The Sub Divisional Officer, East, Muzaffarpur
4. The Addl. District Supply Officer, Muzaffarpur
5. The Block Supply Officer, Gaighat Muzaffarpur

... .. Respondents

=====

Appearance :

For the Petitioner : Mr. Pradhan Murli Manohar Prasad
Mr.Pawan Kumar Singh, Advocates
For the Respondents : Mr.Alok Ranjan, AC to AAG5

=====

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date : 11-06-2019

This matter has been heard and is being taken up for final disposal at the admission stage itself with consent of the parties.

2. The present writ petition has been filed for quashing the order contained in memo no. 1488 dated 15.12.2018 passed by the Sub-Divisional Officer, East, Muzaffarpur by which license of the petitioner's Fair Price shop bearing no. 04GHT-01-08 has been cancelled; and for connected reliefs.

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 para 9 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 had 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 the 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 contained in memo no. 1488 dated 15.12.2018 (Annexure-3) is hereby quashed and the matter remanded to the Sub-Divisional Officer, East, Muzaffarpur 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. Licence of 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)

BT/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	16.06.2019
Transmission Date	N.A.

