

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2996 of 2019

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Shantanu Yadav, aged about 67 years (Male) S/o Late Ishwar Yadav Resident
of Mohalla/Village-39/6 Dudhaniyo, P.S.-Chandramandi, District-Jamui

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna
2. The District Magistrate, Jamui
3. The Sub Divisional Officer, Jamui
4. The Block Development Officer, Lakshmipur, Jamui

... .. Respondents

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Appearance :

For the Petitioner : Mr. Anujit Sinha, Advocate
For the Respondents : Mr. Alok Ranjan, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date : 10-06-2019

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. 104 dated 23.01.2019 passed by the Sub-Divisional Officer, Jamui by which licence of the petitioner's Fair Price shop has been cancelled.

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 11 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.

4. Learned counsel for the respondents appears and has been heard. The stand of the petitioner with regard to non-supply of



the enquiry 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 enquiry 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. 104 dated 23.01.2019 (Annexure-3) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Jamui 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. 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 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)

BT/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	17.06.2019
Transmission Date	N.A.

