

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10350 of 2019

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Bihari Lal Prasad @ Bihari Lal, son of Late Devi Dayal Sah, aged 61 years, Gender-
Male, Resident of Village-Kothuan, P.S.-Agiaon Bajar, District - Bhojpur at Ara
... .. Petitioner

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection
Department, Bihar, Patna
 2. The District Magistrate Bhojpur at Ara
 3. The Sub Divisional Officer, Piro District-Bhojpur at Ara
 4. The Block Supply Officer, Piro District-Bhojpur at Ara
- Respondents

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Appearance :

For the Petitioner : Mr.Alok Kumar, 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. 162 dated 10.04.2019 passed by the
Sub-Divisional Officer, Piro, Bhojpur at Ara by which licence of the
petitioner's Fair Price shop bearing no. 128/2017 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 13 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 dated contained in memo no. 162 dated 10.04.2019 is hereby quashed and the matter remanded to the Sub-Divisional Officer, Piro, District Bhojpur at Ara 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	16.06.2019
Transmission Date	N.A.

