

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16964 of 2018

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Dinesh Kumar Rai, Son of Late Ramjanam Rai, Resident of Village-
Mohanpur, P.S.- Raghapur, District- Vaishali.

... .. Petitioner

Versus

1. The State Of Bihar through the Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna
2. The District Magistrate, Vaishali, Hajipur.
3. The Sub Divisional Officer, Hajipur at Vaishali (Supply).
4. Prakhand Supply Officer, Raghapur, Vaishali.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Anujit Sinjha, Advocate
For the Respondents	:	Mr. S. Raza Ahmad- AAG5
		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 the
following reliefs :

*“(i) For quashing memo no. 210 dated
20.12.2017 passed by Sub-Divisional Officer,
Hajipur, Vaishali*

*(ii) For direction to reinstate the License No.
09/13 of petitioner and not to interfere in day to
day functioning of PDS Shop of petitioner.*

*(iii) For any relief/reliefs in accordance with law
to which the petitioner is entitled to.”*



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 8 of the writ petition as well as in paragraph 11 of the supplementary affidavit 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 in the counter affidavit .

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 the impugned order dated 20.12.2017 (Annexure-2) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Hajipur, District Vaishali 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.

