

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20798 of 2018

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Lalwati Singh, Wife of Bishnu Dev Singh, Resident of Village- Sendwari,
P.S.- Sendwari, District-Vaishali at Hajipur.

... .. Petitioner

Versus

1. The State Of Bihar
2. The District Magistrate-cum-Collector, Vaishali at Hajipur.
3. The Sub Divisional Officer, Hajipur, District- Vaishali at Hajipur.

... .. Respondents

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Appearance :

For the Petitioner	:	Mr. Sumeet Kumar Singh
		Mr. Satyendra Pd. Singh, Advocates
For the Respondents	:	Mr. Alok Ranjan, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

Date : 13-06-2019

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 impugned order dated 17.09.2018 passed by the Sub-Divisional Officer, Hajipur in Supply Case No. 52 of 2018 by which licence of the petitioner's Fair Price shop bearing no. 03/2012 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 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 16 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 17.09.2018 passed by the Sub-Divisional Officer, Hajipur in Supply Case No. 52 of 2018 (Annexure-6) is hereby quashed and the matter remanded to him 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.
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Transmission Date	N.A.

