

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 8084 of 2020

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Rajiya Devi W/o Ram Shewak Yadav, R/o of Village - Kathra, P.S. Kathra,
District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
2. The District Magistrate-cum-Collector, Darbhanga.
3. The Sub - Divisional Officer, Sadar Darbhanga.
4. The Block Supply Officer, Tardih.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Akash Chaturvedi, Advocate
For the Respondent/s : Mr. Gyan Shankar, AC to GP 2

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 21-12-2020

This matter has been taken up for hearing through video conference. Learned counsel for the petitioner undertakes that all defects pointed out by the stamp reporter shall be removed, and compliance with the conditions of the notices of this Court with regard to acceptance of e-filing shall be made, without delay immediately upon resumption of normal physical functioning of the Court, and in any event within one month thereof.

2. The present writ petition has been filed for quashing the order contained in memo no. 717 dated 18.08.2020 passed by the Sub-Divisional Officer, Sadar, Darbhanga by which licence of the petitioner's Fair Price shop bearing no. 03/2017 has been cancelled and monthly allotment has been stopped; and further to restore the petitioner's licence.

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 she 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 15 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.

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 18.08.2020 (Annexure-5) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Sadar, Darbhanga 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.

8. It is also made clear that in view of the ongoing Covid-19 pandemic, any correspondence between the parties may be made through email and that the petitioner shall be at liberty to request the concerned authority for hearing through video conference. To enable the same, the petitioner shall furnish her mobile number and e-mail ID on the email address of learned Advocate General not later than by 24.12.2020 for onward



transmission to the concerned authority.

9. Office shall follow-up to ensure that all defects are removed and compliance with the notices of this Court are made by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	-
Uploading Date	22.12.2020
Transmission Date	-

