

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9304 of 2020

=====

Awadhesh Manjhi Son of Late Devnandan Manjhi Resident of Village-
Sirsarai, Panchayat- Parsa, P.S.- Bheldi, Block- Amnaur, District- Saran
(Chapra).

... .. Petitioner/s

Versus

1. The State of Bihar through its Additional Chief Secretary, Department of Food and Civil Supply, Government of Bihar, Patna.
2. The Commissioner, Saran Division, Chapra.
3. The District Magistrate, Saran (Chapra).
4. The Sub-Divisional Officer, Marhaura, Saran (Chapra).
5. The Block Supply Officer, Marhaura, Saran (Chapra).
6. The Block Supply Officer, Masrakh, Saran (Chapra).

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Ram Kishore Singh, Advocate
For the Respondent/s : Mr.Upendra Pratap Singh, AC to SC-4

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 22-02-2021 Heard learned counsel for the petitioner and learned
State counsel.

2. At the outset, counsel for the petitioner submits that
inadvertently, in paragraph-1 in place of Memo No. 911, it has
been typed 2230 and as such, he prays for making correction to
the above extent.

3. Permission is accorded. It may be done in course of
the day.

4. The present writ application has been filed for
quashing of order dated 17.04.2020, contained in Memo No.



911 dated 20.04.2020, passed by the Sub-Divisional Officer, Marhaura, Saran (Chapra) in Case No. 04/2020, whereby, petitioner's license, bearing no. 84/2007, to run a fair price shop has been cancelled on the ground that the charges mentioned in the impugned order have been established.

5. Learned counsel for the petitioner submits that the order impugned is fit to be quashed on the ground that a copy of the enquiry report, on the basis of which order impugned has been passed, was never supplied 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 paragraph – 14 of the writ petition to the effect that petitioner has not been supplied the enquiry report of the Block Supply Officer, Masrakh, Saran (Chapra) and he has not been given an opportunity to explain the same. It is further submitted that impugned order of cancellation of license has been passed pressing reliance upon the enquiry report, but same was never supplied to the petitioner.

6. The stand taken by the petitioner with regard to non-supply of enquiry report has not been controverted, since no counter affidavit has been filed till date.

7. Considering the aforesaid facts and circumstances



and the fact that non-supply of enquiry report to the petitioner has resulted in violation of natural justice and the entire decision making process stands vitiated. The impugned order dated 17.04.2020, contained in Memo No. 911 dated 20.04.2020, passed by the Sub-Divisional Officer, Marhaura, Saran (Chapra)/respondent no. 4 in Case No. 04/2020 (Annexure-1 to the writ petition) is hereby quashed and the matter is remanded back to the respondent no. 4 for taking a decision afresh after supplying a copy of the enquiry report to the petitioner and granting an opportunity of hearing in accordance with law. Supplies to the petitioner shall be restored without delay until fresh orders are passed by the respondent no. 4.

8. However, 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 pass fresh order including the cancellation of the license.

9. With above observation, the writ petition stands allowed.

(Prabhat Kumar Singh, J.)

Anay

U			
---	--	--	--

