

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9573 of 2020

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Sanjay Paswan son of Raghunandan Paswan, Resident of Village-
Musehni, Village Panchayat- Patti, Police Station- Dovi, District- Gaya.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub- Divisional Officer, Sherghati (Gaya).
4. The Block Supply Officer, Dovi, Dist.- Gaya.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Binay Kumar, Advocate

For the Respondents : Mr. Upendra Pratap Singh, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 17-04-2021

Heard learned counsel for the petitioner and learned counsel for the respondents through video conference. Learned counsel for the petitioner has filed an undertaking 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 dated 29.02.2020 issued on 03.03.2020 contained in memo no. 59 by which the learned Sub-Divisional Officer, Sherghati (Gaya) has cancelled the License No. 47/16, 426/2007 (old) of the petitioner;*



and further for a direction upon the respondent no. 3 to continue allocation to the Public Distribution System shop of the petitioner."

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 for adducing evidence in that regard. A specific stand has been taken in paragraph 8 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 29.02.2020 contained in Memo No. 59 dated 03.03.2020 (Annexure-1) is hereby quashed and the matter remanded to the Sub-Divisional Officer, Sherghati, Gaya 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. To enable disposal, the petitioner shall furnish his mobile number and email ID to the respondent no. 3 within a week from today. License 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 the petitioner shall be at liberty to request for hearing through video conference.

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)

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AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	26.04.2021
Transmission Date	N.A.

