

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11825 of 2013

=====

Brajmohan Paswan @ Brijmohan Paswan, son of Jageshwar Paswan, resident of
Village Rewari, P.S. Jhanjharpur, District Madhubani

.... Petitioner.

Versus

1. The State of Bihar through the Principal Secretary-Cum-Commissioner,
Department of Food and Consumer Protection, Government of Bihar, Patna
2. The District Magistrate-Cum-Collector, Madhubani
3. The Sub-Divisional Officer-Cum-Licensing Authority, Jhanjharpur, District
Madhubani
4. The Block Development Officer, Jhanjharpur, District Madhubani

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

=====

**CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP
SINGH**

ORAL JUDGMENT

Date: 28-08-2015

Heard learned counsel for the petitioner and the State.

2. The petitioner prays for quashing the order dated
16.05.2013 passed by the appellate authority in Supply Appeal Case
No. 65 of 2011-12 affirming the order of cancellation dated
03.11.2011, passed by the Sub-Divisional Officer, Jhanjharpur.

3. It appears that in course of inspection of P.D.S. shop of
the petitioner, a lot of complaints were received, on the basis of which
show-cause notice was issued to the petitioner. The petitioner filed his
reply, which was found not satisfactory, leading to passing of the
impugned order of cancellation.

4. The petitioner submits that as the enquiry report

contained a number of allegations, it would have been apt that the copy of the same should have been given to him.

5. In my view, the submission of the petitioner has substance. The non-supply of the enquiry report deprived the petitioner from filing an effective show-cause reply.

6. In the result, the impugned orders are set aside. The matter is remitted to the licensing authority (Sub-Divisional Officer, Jhanjharpur) to proceed afresh in accordance with law.

7. This application stands allowed.

(Samarendra Pratap Singh, J.)

Uday/-

U			
---	--	--	--