

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19086 of 2018

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Surya Prasad Choudhary Son of Laxman Choudhary Resident of Ward no
12 Purvi Lagunsha P.S. Chautarwa District-West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary Food and Civil Supply,
Government of Bihar New Secretariat Patna.
2. The District Magistrate, West Champaran, Bettiah.
3. The Sub Divisional Officer, Bagha West Champaran Bettiah.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra

For the Respondent/s : Mr. Arvind Ujjwal-SC4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-10-2018

The present writ petition has been filed for quashing the order dated 29.08.2018 passed by Respondent no. 3 whereby and whereunder licence of the public distribution system of the petitioner's shop has been cancelled.

The short point raised by the learned counsel for the petitioner is that a copy of the enquiry report has not been furnished along with the show-cause notice, hence the petitioner has been precluded from submitting a wholesome defence, which has resulted in the breach of principles of natural justice. Reference in this connection be had to a judgment reported in **2013(2)PLJR 706**.

Having regard to the facts and circumstances of the case, this Court is of the opinion that in absence of the enquiry report having been furnished or served on the petitioner, the petitioner has been precluded from submitting a wholesome defence which has further resulted in breach of the principles of the natural justice resulting in the order dated 29.08.2018 being



perverse and void.

In such view of the matter, the order dated 29.08.2018 passed by respondent no. 3 is quashed with liberty to the respondent no. 3 to proceed in the matter in accordance with law.

The writ petition is allowed.

(Mohit Kumar Shah, J)

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