

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18681 of 2018

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Md. Hasnain Khan Son of Late Abdul Sattar Khan Resident of Village-Akathu, Police Station-Belaganj, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner, Magadh Division, Gaya.
2. The District Magistrate, Gaya.
3. The Sub Divisional Officer, Gaya Sadar, Gaya.
4. The Block Supply Officer, Belaganj, Gaya.
5. That Marketing Officer, Belaganj, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2
For the Respondent/s : Mr. Arvind Ujjwal- Sc4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 07-12-2018

1. The present writ petition has been filed for quashing the order dated 13.03.2018 passed by the Sub-Divisional Officer, Gaya Sadar, Gaya, whereby and whereunder the licence of the P.D.S. shop of the petitioner has been cancelled.

2. The short issue raised by the learned counsel for the petitioner is that the show cause notice dated 28.06.2017 states that the inquiry report is enclosed but the fact is that a copy of the same was not given to the petitioner herein and to that effect, the petitioner has made a statement in paragraph no. 15 of the writ petition, wherein it has been stated that no inquiry report was supplied to the petitioner. It is thus submitted that the



petitioner was precluded from giving a wholesome reply resulting in violation of the principles of natural justice. The learned counsel for the petitioner has relied upon a judgment of this Court reported in **(2013) 2 PLJR 706**.

3. Having regard to the facts and circumstances of this case as also there being no dispute in law, the order dated 13.03.2018 passed by the Sub-Divisional Officer, Gaya Sadar, Gaya is quashed, however with liberty to him to proceed afresh, after giving a copy of the inquiry report to the petitioner and seeking his reply thereof.

4. The writ petition is allowed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.12.2018
Transmission Date	NA

