

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18526 of 2018

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Om Padarath Raut, son of Late Luten Raut, resident of Village- Piraouna,
Panchayat- Ahilwara, Police Station- Hasanpur, District- Samastipur.

.... Petitioner/s

Versus

1. The State of Bihar, through its Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The District Collector, Samastipur.
3. The Sub Divisional Officer, Rosera.
4. The Block Supply Officer, Hasanpur.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. Praveen Kumar
Mr. Mritunjay Kumar
For the Respondent/s : Mr. Arvind Ujjwal, SC-4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-10-2018 The present writ petition has been filed for quashing the order dated 07.01.2017 passed by the Sub-Divisional Officer, Rosera, Samastipur whereby and whereunder the P.D.S. license of the shop of the petitioner has been cancelled as well as for quashing of the appellate order dated 07.02.2018 passed by the Collector, Samastipur.

The short point raised by the petitioner is that the petitioner has not been supplied with a copy of the enquiry report along with the show cause notice, hence the petitioner has been precluded from submitting a wholesome reply.

Reference has been made by the learned counsel for the



petitioner to a judgment of the coordinate Bench of this Court reported in 2013(2) PLJR 706.

Having regard to the facts and circumstances of the case and having heard the learned counsel for the parties, this Court is of the view that since the enquiry report was not served on the petitioner, the same has resulted in violation of the principles of natural justice inasmuch as the petitioner has been precluded from submitting his defence in a just and proper manner, hence the order dated 07.02.2018 passed by the Collector, Samastipur as also the order dated 07.01.2017 passed by the Sub-Divisional Officer, Rosera, Samastipur are quashed, however, with liberty to the Sub-Divisional Officer, Rosera, Samastipur to proceed afresh, in accordance with law, if so advised.

The writ petition is allowed.

(Mohit Kumar Shah, J)

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