

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21368 of 2018

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Rajesh Kumar, son of Shri Nivas, Resident of Mohalla-Sosarai, Mahuatola,
P.S.-Sosarai, District-Nalanda.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Department of Food & Consumer Protection, Government of Bihar, Patna.
2. The Collector, Nalanda.
3. The Sub Divisional Officer, Biharsharif.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Dhananjaya Nath Tiwari
For the Respondent/s	:	Mr. Arvind Ujjwal- Sc4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-12-2018 Heard the parties.

The present writ petition has been filed for setting aside the order dated 30.05.2017 passed by Sub Divisional Officer, Biharsharif whereby and whereunder the license of PDS shop of the petitioner has been cancelled.

The short point raised by the learned counsel for the petitioner is that the Sub-Divisional Officer, Biharsharif, i.e., the respondent No.3, has proceeded to cancel the licence of the petitioner without supplying a copy of the enquiry report, hence the petitioner has been precluded from submitting his defence in an appropriate manner resulting in violation of principles of natural justice. Reference in this regard has been made to a judgment of a co-ordinate Bench of this Court reported in **2013 (2) PLJR**



706.

Having regard to the facts and circumstances of the case as also considering the submission of the learned counsel for the petitioner to the effect that the petitioner was not supplied the enquiry report, the order dated 30.05.2017 contained in Memo No.283 passed by the Sub-Divisional Officer, Biharsharif is quashed and the matter is remanded to the Sub Divisional Officer, Biharsharif for re-consideration of the matter, after supplying a copy of the enquiry report to the petitioner herein.

The writ petition is allowed.

(Mohit Kumar Shah, J)

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