

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23840 of 2018

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Sarjan Mahto, s/o late Ram Gulam Mahto, r/o vill-Chak Saidpur Rajauli, PO-
Rajouli, PS- Hajipur, Dist-Vaishali

... .. Petitioner/s

Versus

1. The State Of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna
2. The Collector, Vaishali,
3. The Sub-Divisional officer, Hazipur, Vaishali

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Labh
For the Respondent/s : Mr.Arvind Ujjwal- Sc4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 21-12-2018

1. The present writ petition has been filed for quashing of the order dated 17.09.2018 passed by the learned Sub Divisional Officer, Hajipur, whereby and whereunder the P.D.S. licence of the shop of the petitioner has been cancelled.

2. The short issue raised by the petitioner is that no inquiry report was supplied to the petitioner along with the show cause notice, which has precluded the petitioner from submitting a wholesome defence. Reference in this regard has been made to a judgment of this Hon'ble Court reported in **(2013) 2 PLJR 706.**

3. *Per contra*, the learned counsel for the respondents has submitted that due process has been followed, however he has not been able to controvert that no inquiry report was



supplied to the petitioner along with the show cause notice.

4. Having regard to the facts and circumstances of the case, this Court is of the view that since the inquiry report was not supplied to the petitioner along with the show cause notice, the petitioner has been precluded from submitting a proper defence resulting in violation of the principles of natural justice.

5. In such view of the matter, this Court has no option but to quash the order dated 17.09.2018 passed by the Sub-Divisional Officer, Hajipur however with liberty to proceed afresh in the matter.

6. The writ petition is allowed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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