

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16872 of 2016

Rajendra Rai aged about 53 years, son of Late Basgeet Rai, resident of Village- Mansurpur, Police Station- Vaishali, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
3. The District Magistrate, Vaishali, Hazipur.
4. The Sub Divisional Officer, Vaishali, Hazipur.
5. The Block Supply officer, Vaishali.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 17-12-2018 The present writ petition has been filed for quashing the order dated 04.02.2012 passed by the Sub-Divisional Officer, Vashali at Hazipur, whereby and where under the P.D.S. license of the shop of the petitioner has been cancelled. The petitioner has also prayed for quashing of the appellate order dated 03.05.2016.

The short point raised by the petitioner herein is that firstly the impugned order dated 04.02.2012 has been passed on the basis of aid and advise of the subordinate officers of the Sub-Divisional Officer which is not permissible under the law and secondly even if any irregularity has been found, then the Sub-Divisional Officer is required to make available the enquiry



report and opinion of the subordinate officials to the petitioner herein so that the petitioner could have effectively put forward his defence, however, in absence of the aforesaid requirement being complied with by the Sub-Divisional Officer, the entire process stands vitiated on account of non-compliance of the principles of natural justice.

For the reasons mentioned herein and having regard to the facts and circumstances of the case, the writ petition is allowed and the order dated 04.02.2012 passed by the Sub-Divisional Officer, Vaishali at Hazipur and the appellate order dated 03.05.2016 passed by the District Magistrate, Vaishali, Hazipur are quashed.

It is needless to state that the Sub-Divisional Officer, Vaishali at Hazipur shall be at liberty to proceed afresh, in accordance with law.

(Mohit Kumar Shah, J)

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