

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23328 of 2018

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Mukesh Kumar, son of Late Ram Briksh Singh, Village-Marwan, Police Station-Karja, District-Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food & Consumer Protection Department, Old Secretariat, Patna
2. The Secretary, Food & Consumer Protection Department, Old Secretariat, Patna
3. The District Magistrate, Muzaffarpur
4. The Sub-Divisional Magistrate (West), Muzaffarpur
5. The Block Supply Officer, Marwan, Muzaffarpur
6. The District Supply Officer, Muzaffarpur

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-12-2018 The present writ petition has been filed for setting aside the order dated 11.10.2018 passed by the Sub-Divisional Magistrate (West), Muzaffarpur, whereby and where under the P.D.S. license of the shop of the petitioner has been cancelled.

The short point raised by the learned counsel for the petitioner is that the Sub-Divisional Magistrate (West), Muzaffarpur i.e. the respondent no. 4 has proceeded to cancel the license 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 the 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 (Brahmdeo Rai vs. The State of Bihar & Ors.)**.

Having regard to the facts and circumstances of the case, the order dated 11.10.2018 passed by the Sub-Divisional Magistrate(West), Muzaffarpur is quashed and the Sub-Divisional Magistrate (West), Muzaffarpur is granted liberty to proceed in the matter afresh 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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