

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21706 of 2018

Amrendra Kumar Singh s/o Late Shukhdeo Prasad Singh, Resident of
Village- Pakariya, P.S. Shambhuganj, District Banka.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Food & Consumer Protection
Department, Government of Bihar, Patna.
2. The Commissioner, Bhagalpur Division, Bhagalpur.
3. The Collector, Banka.
4. The Sub Divisional Officer, Banka.
5. The Block Supply Officer, Banka/ Chandan, District Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari
For the Respondent/s : Mr. Arvind Ujjwal- SC 4

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 07-12-2018

The present writ petition has been filed for quashing the order dated 29.01.2013 passed by the Sub Divisional Officer, Banka whereby and whereunder the licence of the P.D.S. Shop of the petitioner has been cancelled. The petitioner has further prayed for quashing of the appellate order dated 11.12.2015 passed in PDS Appeal Case No. 224 of 2012-13 as also the revisional order dated 23.07.2018/ 31.07.2018 passed in Revision Case No. 06/2018-19.

The short point raised by the learned counsel for the petitioner is that the Sub Divisional Officer, Banka i.e. Respondent No.3 has proceeded to cancel the licence of the petitioner without supplying a copy of the inquiry 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 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 29.01.2013 passed by the Sub Divisional Officer, Bettiah, the appellate order dated 11.12.2015 and the revisional order dated 23.07.2018/31.07.2018 are quashed and the Sub Divisional Officer, Banka is granted liberty to proceed in the matter after supplying a copy of the inquiry report to the petitioner herein.

The writ petition is allowed.

(Mohit Kumar Shah, J)

Tiwary/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

