

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14010 of 2018

=====

Ramdivas Choudhary, Son of late Jainandan Choudhary, resident of village -
Navkarhi, P.S. - Arer, District - Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Madhubani.
3. The Sub-Divisional Officer, Benipatti, District - Madhubani.
4. The Block Rationing Officer, Benipatti Prakhanda, District - Madhubani.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Murari Narain Chaudhary, Advocate
		Mr. Ankit Kumar, Advocate
For the State	:	Mr. U.P. Singh, A.C. to S.C.-4

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 27-07-2019 Heard learned counsel for the petitioner and

learned counsel representing the State.

Petitioner in the present case is aggrieved by the
order dated 09.11.2017 passed by the Sub Divisional
Officer, Benipatti in the district of Madhubani.

Learned counsel for the petitioner submits that
writ application has to be allowed on the solitary ground
that it has been passed mainly on the basis of the enquiry
report submitted by the Block Supply Officer, Bennipatti,
but merely relying upon the such enquiry report, copy
thereof has not made available to the petitioner.

Learned counsel for the petitioner has drawn my



attention towards the office memo No. 73 dated 23.02.2017 (Annexure-2 to the supplementary affidavit filed on behalf of the petitioner) to show that it nowhere refers the enquiry report dated 13.02.2017 said to have been submitted by the Block Supply Officer.

It is further submitted that the show cause notice was issued on 23.02.2017 but in the said show cause notice the Sub Divisional Officer refers to the report of the Block Supply Officer, Benipatti, vide his Letter no. 84 , dated 13.10.2016. On the said date, the petitioner was not disclosed that there is any other report such as a report dated 13.02.2017 submitted by the Block Supply Officer, Benipatti and that fact stands strengthened from the show cause notice which nowhere refers to the report of Block Supply Officer dated 13.02.2017.

In such circumstances, learned counsel submits that the enquiry report has been relied upon in complete violation of principles of natural justice.

Learned counsel for the State submits that even if, the show cause notice dated 23.02.2017 did not mention the fact that there was any report of the Block Supply Officer of



23.02.2017, this plea should have been raised by the petitioner in his reply to the show cause notice.

Having heard learned counsel for the petitioner and learned counsel for the State, this Court is of the considered opinion that the objection taken on behalf of the State cannot be accepted. If the show cause notice dated 23.02.2017 did not mention the fact that there was any other report of 13.02.2017 submitted by the Block Supply Officer which was likely to be taken into consideration by the Licensing Authority, there was no occasion for the petitioner to know this fact and submit a reply to explain the same.

The impugned order is apparently being passed in violation of principles of natural justice, it is quashed accordingly.

The matter is remitted to the Sub Divisional Officer, Benipatti, (respondent no. 3) to consider the entire matter afresh after giving appropriate opportunity of hearing to the petitioner on the materials available on the record.

Let the whole exercise be completed within a



period of 90 days from the date of receipt/production of a copy of this order.

In the meantime, licence of the petitioner shall restored.

This Writ Application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/Sunil

U			
---	--	--	--

