

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1185 of 2020

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Amarjeet Kumar, Son of Bisheshwar Ram, Gopalpur, Post- Pratappur, Police Station- Karja, Goppalpur, District- Muzaffarpur.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeet Kumar
For the Respondent/s : Mr.S. Raza Ahamd (Aag5)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-02-2020 The present writ petition has been filed for quashing the order dated 14.11.2019 passed by the learned Sub-Divisional Magistrate (West), Muzaffarpur, whereby and whereunder the license of the PDS dealership of the petitioner has been cancelled.

The short issue raised by the petitioner in the present case is that while issuing the show cause notices dated 13.09.2019 and 23.09.2019, no enquiry report has been supplied to the petitioner, which has precluded the petitioner from submitting his wholesome defence, hence the same has resulted in violation of the principles of natural justice. Thus the



impugned order dated 14.11.2019 is fit to be set aside. Reference in this regard has been made to a judgment of this Court reported in 2013(2) PLJR 706 (**Brahmadeo Rai vs. The State of Bihar & Ors.**).

Per contra, the learned counsel for the respondents has submitted that due process has been followed, however, the averments made in the writ petition to the effect that no enquiry report has been supplied to the petitioner, has not been controverted.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties as also taking into account the judgment rendered by this Court in the case of **Brahmadeo Rai** (supra), this Court is of the view that since the enquiry 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. Thus, the impugned order dated 14.11.2019 passed by the learned Sub-Divisional Magistrate (West), Muzaffarpur, being unsustainable in the eyes of law, is quashed, however, with liberty to the learned Sub - Divisional Magistrate (West), Muzaffarpur, to proceed afresh in the matter, after supplying a



copy of the enquiry report to the petitioner.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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