

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2595 of 2020

Arvind Kumar Jha S/o Late Harishankar Jha Resident of Village Chadhua,
Barkuwa, P.S.- Kudhani, District- Muzaffarpur.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate, Muzaffarpur.
3. The Sub-Divisional Officer, West Muzaffarpur.
4. The Block Supply Officer, Saraiya, District- Muzaffarpur.

... .. Respondents

Appearance :

For the Petitioner	:	Mr. N.K. Agrawal, Sr. Adv. Mr. Vijay Anand, Adv. Mr. Preety Kunwar, Adv.
For the Respondents	:	Mr. S. Raza Ahmad (Aag5) Mr. Alok Ranjan, A.C to AAH 5

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-02-2020 Heard the learned counsel for the petitioner and the
learned counsel for the respondents.

The present writ petition has been filed for quashing the order dated 25.12.2019 passed by the Sub-Divisional Officer, West Muzaffarpur whereby and whereunder the PDS license of the petitioner bearing License No. 23150116 of 2016 has been cancelled.

The short issue raised by the learned senior counsel for the petitioner is that, though the show cause notice dated 30.10.2019 mentions about the enquiry report being enclosed with the show cause notice, however, no such enquiry report has



been supplied to the petitioner as is apparent from the reply of the petitioner (Annexure-2) to the writ petition. Hence, it is submitted that the petitioner has not been granted adequate opportunity to put forth his defence to the materials contained in the enquiry report, as against him, thus resulting in violation of the principles of natural justice.

The learned counsel for the State has not been able to controvert the factum of non supply of the enquiry report to the petitioner.

Having regard to the facts and circumstances of the case and considering the submissions of the learned senior counsel for the petitioner as also the learned counsel for the respondents, this Court finds that non supply of the enquiry report to the petitioner has precluded the petitioner from submitting his wholesome defence resulting in violation of the principles of natural justice, thus, the impugned order dated 25.12.2019 passed by the Sub-Divisional Officer, West Muzaffarpur is fit to be set aside.

Accordingly, the present writ petition stands allowed, the order dated 25.12.2019 passed by the Sub-Divisional Officer, West Muzaffarpur stands quashed, however, with liberty to the Sub-Divisional Officer, West Muzaffarpur to proceed



afresh in the matter after supplying a copy of the enquiry report
to the petitioner.

(Mohit Kumar Shah, J)

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