

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4533 of 2020

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Rajkishor Singh S/o Late Deonandan Singh Resident of Mohalla-damodar Colony, P.S.-Mahua, District-Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Collector, Vaishali.
3. The Sub Divisional Officer, Mahua, Vaishali.
4. The Additional District Supply Officer, Mahua, Vaishali.
5. The Block Supply Officer, Mahua, Vaishali.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K.Agrawal Mr.Dhananjaya Nath Tiwari Ms. Preety Kunwar
For the State	:	Mr. Maruth Nath Roy, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 06-03-2020 The present writ petition has been filed for quashing the order dated 3.1.2020, whereby and whereunder the P.D.S. licence of the petitioner bearing licence no. 86 of 2007 has been cancelled by the Sub Divisional Officer, Mahua.

2. The short issue raised by the petitioner in the present case is that the impugned order dated 3.1.2020 would itself show that opinion was sought for from the Assistant District Supply Officer, Mahua and on the basis thereof, the Sub Divisional Officer, Mahua has cancelled the licence of the petitioner. It is thus submitted that the said action of the Sub Divisional Officer, Mahua is illegal, inasmuch as the petitioner



has not been supplied with a copy of the opinion of the Assistant District Supply Officer, Mahua so as to enable him to submit his wholesome defence which has resulted in denial of fair opportunity to the petitioner to establish his innocence, hence it is submitted that the Principals of Natural Justice have been violated. In this connection, the learned counsel for the petitioner has relied upon the order/ judgment of this Court dated *17.12.2018 and 30.05.2019 passed in CWJC no. 16872 of 2016 and CWJC no. 10937 of 2016* respectively.

3. The position existing as on fact as also in law, is not denied by the learned counsel for the State.

4. Having regard to the facts and circumstances of this case, considering the submissions of the learned counsel for the parties as also considering the aforesaid judgments rendered by this Court, this Court finds that the S.D.O., Mahua has passed the impugned order dated 3.1.2020, primarily on the basis of the information/opinion furnished by the Assistant District Supply Officer, Mahua, which was never supplied to the petitioner herein, hence the petitioner was denied a fair opportunity to put forth his defense resulting in violation of Principals of Natural Justice, thus the impugned order dated 3.1.2020 cannot be sustained in the eyes of law, hence is



quashed. The writ petition stands allowed, however with liberty to the S.D.O., Mahua to proceed afresh, in accordance with law.

(Mohit Kumar Shah, J)

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