

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4003 of 2019

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Umesh Roy Son of Late Kokan Ray Resident of Village Jhandapur West, P.S.
Bihpur, P.O. Jhandapur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Food and Consumer Protection, New Secretariat, Government of Bihar, Patna.
2. The Divisional Commissioner, Bhagalpur.
3. The Collector Cum District Magistrate Bhagalpur.
4. The Sub Divisional Officer Sub- Division- Nalgachia, District- Bhagalpur.
5. Block Supply Officer, Bihpur Sub- Division Nalgachia, District- Bhagalpur.
6. Block Supply Officer, Khalgaon Sub-Division Khalgaon, District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh
For the Respondent/s : Mr.S. Raza Ahmad (AAG-5)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 24-02-2020 The present writ petition has been filed challenging the order dated 09.10.2018 passed by the Sub-Divisional Officer, Nalgachia, whereby and whereunder the P.D.S. license of the petitioner bearing License No. 197 of 1985 has been cancelled. The petitioner has also challenged the appellate order dated 10.05.2019 passed by the Collector, Bhagalpur in Supply Case No. 188 of 2018-19.

The learned counsel for the petitioner has raised a short issue for consideration to the effect that while issuing the show cause notice dated 06.06.2018 and 27.06.2018, reference



has been made to enquiry having been held by a Sub-Divisional Level Committee, however, copy of the enquiry report has admittedly not been given to the petitioner thus precluding the petitioner from submitting his wholesome defence resulting in violation of the principles of natural justice. Reference in this connection has been made to a judgment rendered by a coordinate Bench of this Court in a case reported in **2013(2) PLJR 706 (Brahmdeo Rai vs. The State of Bihar & Ors.)**.

The learned counsel for the State does not dispute the fact that a copy of the enquiry report has not been supplied to the petitioner herein.

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 a coordinate Bench of this Court in the case of **Brahmdeo Rai** (supra), this Court finds that since admittedly a copy of the enquiry report has not been supplied to the petitioner herein, the petitioner has been precluded from submitting his wholesome defence after taking into account the allegations levelled against him in the enquiry report, hence the same has resulted in denial of reasonable opportunity as also non-compliance of the principles of natural justice, thus this Court finds that the



impugned orders are fit to be set aside. Accordingly, the impugned order dated 09.10.2018 passed by the Sub-Divisional Officer, Navgachhia and the appellate order dated 10.05.2019 passed by the Collector, Bhagalpur in Supply Case No. 188 of 2018-19 are set aside.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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