

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6243 of 2019

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Sheo Nandan Prasad Son of Late Ram Lal Prasad, Resident of Chargharwa,
Panchayat Utari Lodhwe, P.S.-Fatehpur, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The Collector, Gaya.
3. The Sub-divisional Officer, Sadar, Gaya.
4. The Block Supply Officer, Belaganj, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath TiwariAdv.
For the Respondent/s : Mr. S. Raza Ahmad, AAG-5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 26-02-2020 The present writ petition has been filed for quashing the order dated 23.10.2018 passed by the Sub-Divisional Officer, Sadar, Gaya whereby and whereunder, P.D.S. license of the petitioner bearing License No.50/16 has been cancelled.

The short point raised by the petitioner is that neither the show cause notice nor the enquiry report has been supplied to the petitioner, resulting in denial of fair opportunity to the petitioner to put forth his defence, in violation of the principles of natural justice.

A bare perusal of the averments made in the counter affidavit would show that there is no denial of paragraph No.9 of the writ petition, wherein the petitioner has made a categorical



statement to the effect that no notice was served upon him, hence, there is no question of service of enquiry report.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the petitioner as also taking into account the judgment rendered by this Court in a case reported in 2013(2) PLJR 706 (**Brahmdeo Rai Vs. State of Bihar & Ors.**), this Court finds that non-service of show cause notice as also enquiry report amounts to denial of opportunity to the petitioner to put forth his wholesome defence, resulting in violation of the principles of natural justice, hence this Court has no option but to quash the impugned order dated 23.10.2018 passed by the learned Sub-Divisional Officer, Sadar Gaya, however, with liberty to him to proceed in accordance with law afresh, after supplying a copy of the show cause notice and the enquiry report to the petitioner.

It is needless to state that the petitioner shall co-operate in the fresh proceedings to be initiated by the learned Sub-Divisional Officer, Sadar, Gaya.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

Tiwary/-

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