

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.1229 of 2020**

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Bachchi Devi Wife of Late Uma Shankar Sah Resident of Village-  
Mohamadpur Sube Urf Bangri, Mahammadpur Sube, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Food and Civil Supplies and Consumer Affairs  
Department, Government of Bihar, Patna.
3. The District Magistrate, Muzaffarpur.
4. The District Supply Officer, Muzaffarpur.
5. The Sub Divisional Officer, West, Muzaffarpur.
6. The Block Development Officer cum Block Supply Officer, Muzaffarpur.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Anshuman Singh, Adv.  
For the Respondent/s : Mr.Alok Ranjan, AC to AAG-5

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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 02.04.2019 passed by the learned Sub-Divisional  
  
Officer (West), Muzaffarpur, whereby and whereunder the  
  
license of the PDS dealership of the petitioner has been  
  
cancelled.

The learned counsel for the petitioner has raised a  
  
short issue for consideration to the effect that though, in the  
  
show cause notice dated 02.11.2018, the Sub-Divisional Officer  
  
(West), Muzaffarpur has shown that the copy of the enquiry  
  
report has been enclosed, however, it has been stated in  
  
paragraph No. 4 of the writ petition that neither copy of the



enquiry report nor the copies of the complaints of the consumers have been supplied along with the aforesaid show cause notice dated 02.11.2018, which has precluded the petitioner from submitting her wholesome defence, hence the same has resulted in violation of the principles of natural justice, thus the impugned order dated 02.04.2019 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 (**Brahmdeo 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 **Brahmdeo 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 02.04.2019 passed by the learned Sub-Divisional Officer (West), Muzaffarpur is quashed, however, with liberty to the learned Sub-Divisional Officer (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)**

Tiwary/-

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