

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5655 of 2021

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Rajdeo Singh Son of Late Manik Chand Singh Resident of Khandaul
Sandesh, P.S.-Sandesh, District-Bhojpur at Ara

... .. Petitioner/s

Versus

1. The State of Bihar thorough the District Magistrate, Patna.
2. The Sub-Divisional Officer, Sadar Ara, District-Bhojpur at Ara.
3. The Assistant District Supply Officer Sandesh, District-Bhojpur at Ara.
4. The Circle Officer, Sandesh, District-Bhojpur at Ara.
5. The Block Supply Officer, Sandesh, District-Bhojpur at Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey, Advocate
For the Respondent/s : Mr.Upendra Pratap Singh, AC to SC 4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-10-2021 Heard the learned counsel for the petitioner and Sri

Upendra Pratap Singh, learned AC to SC 4 appearing for the

State.

The present writ petition has been filed seeking
quashing of the order dated 11.01.2021, passed by the
Sub Divisional Officer, Sadar, Ara, whereby and whereunder the
P.D.S. license of the petitioner bearing License no. 31 of 2016
has been cancelled.

The short issue raised by the learned counsel for the
petitioner is that though the Assistant District Supply Officer,
Sadar, Ara was asked to submit his opinion on the show cause
reply submitted by the petitioner, whereafter he had also



submitted his opinion but the same was not furnished to the petitioner in order to seek his defense/ reply to the same and on the basis of the said opinion, the impugned order dated 11.01.2021 has been passed which has resulted in violation of the principles of natural justice, consequently the impugned order dated 11.01.2021 stands vitiated in the eyes of law.

The learned counsel for the respondent State has not disputed the position, as is existing in law.

Having regard to the facts and circumstances of the case, this Court finds that admittedly, the show cause reply of the petitioner was sent to the Assistant District Supply Officer, Sadar, Ara and his opinion was sought, whereafter he had submitted his opinion and apparently, as is also evident from the impugned order dated 11.01.2021, the said opinion has primarily formed the basis for cancellation of the license of the petitioner but the said opinion was never supplied to the petitioner in order to enable him to submit his wholesome defense, resulting in violation of the Principles of Natural Justice. Moreover, the Sub Divisional Officer, Sadar, Ara, who is the licensing authority has failed to apply his independent mind, hence, on this score as well, the impugned order dated 11.01.2021 stands vitiated in the eyes of law.

Having regard to the facts and circumstances of the



case and for the grounds mentioned hereinabove, this Court finds that the impugned order dated 11.01.2021 is unsustainable in the eyes of law, hence is quashed. However, the matter is remanded back to the Sub Divisional Officer, Sadar, Ara to proceed afresh in the matter, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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