

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 6250 of 2021

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Ramashish Kumar Son of Jagdish Yadav Resident of village- Aiwan, Village-
Panchayat- Nagwan, Police Station- Fatehpur, District- Gaya

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and
Consumers Protection, Government of Bihar, Patna
2. The District Magistrate, Gaya
3. The Sub Divisional Officer, Sadar Gaya
4. The Block Supply Officer, Fatehpur, Dist.- Gaya

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Binay Kumar, Advocate
For the Respondent/s	:	Mr. Arvind Ujjwal (SC 4)
	:	Mr. Upendra Pratap Singh (AC to SC 4)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 16-09-2021 The instant case has been taken up for consideration

through the mode of Video conferencing in view of the

prevailing situation on account of COVID 19 Pandemic,

requiring social distancing.

The present petition has been filed for quashing the

order dated 24.01.2021, passed by the Sub Divisional Officer,

Sadar, Gaya, whereby and whereunder the licence of the

petitioner bearing License no. 07 of 2019 has been cancelled.

The short point raised by the learned counsel for the



petitioner is that the Sub Divisional Officer, Sadar, Gaya has not applied his independent mind and has instead, relied upon the opinion of the Assistant District Supply Officer, Sadar, Gaya as contained in its letter dated 11.01.2021, to arrive at a decision to cancel the license of the petitioner, copy of which was never supplied to the petitioner, hence admittedly, the petitioner has been precluded from submitting his wholesome defense to the said opinion of the Assistant District Supply Officer, Sadar, Gaya dated 11.01.2021.

The learned counsel for the respondent State Sri Upendra Pratap Singh (AC to SC 4) does not dispute the position, as is existing in law.

Having regard to the facts and circumstances of the case, this Court finds that admittedly, the S.D.O., Sadar, Gaya has not applied his independent mind and has instead, relied upon the opinion of the Assistant District Supply Officer, Sadar, Gaya, copy whereof was never supplied to the petitioner, thus admittedly, there has been a violation of the Principles of Natural Justice, therefore the findings recorded on the basis of such report stands vitiated, hence the impugned order dated 24.01.2021, passed by the Sub



Divisional Officer, Sadar, Gaya is not sustainable in the eyes of law, consequently, the same is quashed. However, the matter is remanded back to the Sub Divisional Officer, Sadar, Gaya to proceed afresh, in accordance with law.

The present writ petition stands allowed.

(Mohit Kumar Shah, J)

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