

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4885 of 2020

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Sudama Devi W/o late Bhuneshwer Singh, Resident of Village Sahpur, P.O. Lalshahpur, P.S. Sadar (Mabbi O.P.), District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Civil Supply Govt. of Bihar, Patna.
2. The Collector, Darbhanga.
3. The District Supply Officer, Darbhanga District- Darbhanga.
4. The Sub- Divisional Officer, Darbhanga District- Darbhanga.
5. The Marketing Officer, Darbhanga District- Darbhanga.
6. The Block Supply Officer, Bahadurpur, P.S. Bahadurpur, District- Darbhanga.
7. The Block Supply Officer, Hayaghat, P.S. Hayaghat, District- Darbhanga.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amarendra Narayan
For the Respondent/s : Mr. S. Raza Ahmad (Aag5)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 09-02-2021 The present writ petition has been filed for setting aside the order dated 21.09.2019 issued by the Sub-Divisional Officer, Sadar Darbhanga whereby and whereunder the licence of the PDS shop of the petitioner bearing License No. 8 of 2016 has been cancelled.

The brief facts of the case are that the petitioner was granted a licence in the year, 2016, being a widow, whereafter she was running the



PDS shop, in an efficient manner, to the satisfaction of all concerned. However, it appears that upon fallacious complaint, an inquiry was made and thereafter, it was found that the petitioner was engaging in some irregularities, hence, a show cause notice dated 07.09.2019 was issued to the petitioner, however, a copy of the inquiry report was not enclosed therewith and finally, by the impugned order dated 21.09.2019, the PDS licence of the petitioner has been cancelled.

The learned counsel for the petitioner has submitted that since the inquiry report has admittedly not been supplied to the petitioner, as has also been categorically stated in paragraph no. 8 of the present writ petition, the petitioner has been precluded from submitting her 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 (***Brahmadeo Rai vs. The***



State of Bihar & Ors.).

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

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 law laid down in a judgment rendered in the case of ***Brahmadeo Rai*** (supra), this Court finds that admittedly, a copy of the inquiry report was not supplied to the petitioner herein, thus the petitioner has been precluded from submitting her wholesome defence after taking into account the allegations levelled in the inquiry report, hence, the same has resulted in denial of reasonable opportunity to the petitioner as also non-compliance of the principles of natural justice, consequently, rendering the impugned order dated 21.09.2019, passed by the Sub-Divisional Officer, Sadar Darbhanga, void and illegal. Accordingly, the order dated 21.09.2019, passed by the Sub-Divisional Officer, Sadar Dargbhanga, is quashed.



The writ petition stands allowed.

(Mohit Kumar Shah, J)

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