

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5090 of 2020

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Doman Ravidas @ Doman Das, Son of - Late Nathun Das, Resident of
Sacchai Math, P.S. - Kurtha, District- Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar, through the Food Secretary, Government of Bihar, Old Secretariat, Patna.
2. The Sub Divisional Officer, Arwal, at Arwal, Bihar.
3. The ADSO, Arwal at Arwal, Bihar.
4. Block Supply Officer, Block - Kurtha, District- Arwal, Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Surya Swetabh, Advocate

For the Respondent/s: Mr.Arvind Ujjwal (Standing Counsel-4)

Mr. Upendra Pratap Singh, AC to Standing Counsel-4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 25-10-2021 The present writ petition has been filed seeking quashing of the order dated 17.12.2019 passed by the Sub-Divisional Officer, Arwal whereby and whereunder the license of the PDS shop of the petitioner bearing License No. 7 of 1993 has been cancelled.

The short issue raised by the learned counsel for the petitioner is that the Sub-Divisional Officer, Arwal had sought for an opinion from the Block Supply Officer, Kurtha and thereafter, the Block Supply Officer, Kurtha had submitted his opinion mentioning therein about the various irregularities committed by the petitioner, as has also been stated in the



impugned order dated 17.12.2019, however, a copy of the same was never supplied to the petitioner. It is submitted that the impugned order dated 17.12.2019 would show that the said action of the Block Supply Officer, Kurtha has formed the basis for the Sub-Divisional Officer, Arwal to cancel the license of the petitioner, though no opportunity has been granted to the petitioner to submit his defence to the contents of the said opinion. It is thus submitted that on account of non-furnishing of the aforesaid opinion submitted by the Block Supply Officer, Kurtha, the petitioner has been gravely prejudiced resulting in violation of the principles of natural justice, consequently the impugned order dated 17.12.2019 stands vitiated in the eyes of law.

The learned counsel for the State Shri Upendra Pratap Singh, AC to Standing Counsel-4 has not disputed the position as is exiting in law.

Having regard to the facts and circumstances of the case, this Court finds that admittedly the Sub-Divisional Officer, Arwal has passed the impugned order dated 17.12.2019 stating therein that the petitioner has not submitted any defence to the opinion submitted by the Block Supply Officer, Kurtha, thus he has come to the conclusion that the license of the petitioner is



required to be cancelled on account of the irregularities committed by the petitioner, however, the fact remains that the copy of the said opinion was never supplied to the petitioner in order to enable the petitioner to submit his wholesome defence, which has obviously resulted in violation of the principles of natural justice, hence the impugned order dated 17.12.2019 stands vitiated in the eyes of law, thus is quashed, however, the matter is remanded back to the Sub-Divisional Officer, Arwal to proceed afresh in the matter, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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