

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7887 of 2021

=====

Sanjeev Ray S/o Ramakant Ray Resident of Village- Saidabad, P.S.-
Raghopur, District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Civil Supply Department, Government of Bihar, Patna.
2. The District Magistrate, Vaishali at Hajipur.
3. The Sub- Divisional Officer, Hajipur.
4. The Block Supply Officer, Raghopur, Hajipur.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Anujit Sinha, Advocate
For the Respondent/s : Mr. Upendra Pratap Singh (AC to SC 4)

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-10-2021 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 21.01.2020, passed by the Sub Divisional Officer, Hajipur, whereby and whereunder the P.D.S. license of the petitioner bearing License no. 26 of 2016 has been cancelled.

The short point raised by the learned counsel for the petitioner is that though he had received the show cause notice dated 30.05.2019 and had replied to the same, however a bare perusal of the impugned order dated 21.01.2020 would show



that the S.D.O. Hajipur had issued another show cause notice dated 30.11.2019 which was never served upon the petitioner, as has been averred in paragraphs no. 16 to 18 of the present writ petition, thus, it is submitted that on account of non service of the second show cause notice dated 30.11.2019, the petitioner has been precluded from submitting a wholesome defence, resulting in violation of Principles of Natural Justice, leading to the impugned order dated 21.02.2020, being vitiated in the eyes of law.

Per contra, 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 though the petitioner was served with a show cause notice dated 30.05.2019, however the show cause notice dated 30.11.2019 was not served upon the petitioner, inasmuch, though such a plea has been specifically raised in the writ petition but the same has not been controverted by the State in its counter affidavit, thus the same has resulted in depriving the petitioner from submitting his wholesome defence, resulting in the impugned order dated 21.02.2020 being vitiated in the eyes of law, on account of non- compliance of the Principles of Natural Justice, hence the order dated 21.02.2020, passed by the



S.D.O. Hajipur is quashed, however the matter is remanded back to the Sub Divisional Officer, Hajipur with a direction to him to serve the show cause notice dated 30.11.2019 upon the petitioner, along with inquiry report and seek show cause reply of the petitioner, whereafter, a reasoned and a speaking order be passed within a period of eight weeks.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

rinkee/-

U			
---	--	--	--

