

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5821 of 2020

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Devanarayan Ray @ Devnath Ray Son of Late Baijnath Ray, Resident of
Village- Pathra, P.O. Rasidpur, P.S. Garkha, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The District Magistrate Cum Collector, Saran at Chhapra.
3. The District Supply Officer, Saran at Chhapra.
4. The Sub- Divisional Officer Cum Licensing Authority, Sadar, Chhapra.
5. The Block Supply Officer, Garkha, Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate Mr. Diwakar Upadhyaya
For the Respondent/s	:	Mr. Arvind Ujjwal (SC-4)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 08-02-2021

The present writ petition has been filed challenging the order dated 08.02.2020 passed by the S.D.O. Sadar, Chhapra, whereby and whereunder he has cancelled the P.D.S. license of the shop of the petitioner bearing P.D.S. License No. 13 of 2016.

The learned senior counsel for the petitioner Shri N.K. Agarwal has raised a short issue for consideration to the effect that while issuing the show cause notice dated 26.12.2019, the enquiry report has not been enclosed, hence admittedly the petitioner has been precluded from submitting his wholesome



defence resulting in violation of the principles of natural justice. Reference in this connection has been made to a judgment rendered in the case of ***Brahmdeo Rai vs. The State of Bihar & others*** reported in ***2013(2) PLJR 706***. At this juncture, the learned senior counsel for the petitioner has also submitted that the impugned order dated 08.02.2020 is also bad inasmuch as the proposed punishment has not been mentioned in the show cause notice dated 26.12.2019, hence the principles of natural justice has not been followed.

The learned counsel appearing for the State does not dispute the position as is existing in law.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned senior counsel for the petitioner as also taking into account the law laid down by this Court in the case of ***Brahmdeo Rai*** (supra), this Court finds that since admittedly a copy of the enquiry report has not been supplied to the petitioner herein, the petitioner has been precluded from taking a wholesome defence, resulting in violation of the principles of natural justice, thus the impugned order dated 08.02.2020 passed by the S.D.O. Sadar, Chhapra is quashed, however, with liberty to him to pass appropriate orders after issuing fresh show cause notice and supplying



a copy of the enquiry report, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

S.Sb/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

