

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 8550 of 2021

Shivdayal Lal son of late Ramjatan Lal resident of Bimari P.S. Shahpur,
District Bhojpur Ara.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection, Government of Bihar, Patna.
2. The District Magistrate Officer, Bhojpur.
3. The Sub Divisional Officer, Jagdishpur Bhojpur Ara.
4. The Block Supply Officer Shahpur, Bhojpur Ara.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra

For the Respondent/s : Mr. Arvind Ujjwal (SC 4)

: Mr. Upendra Pratap Singh (AC to SC 4)

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 02.03.2021, passed by the Sub Divisional Officer, Jagdishpur, Bhojpur (Ara), whereby and whereunder the licence of the petitioner bearing License no. 37 of 2016 has been cancelled.



The short point raised by the learned counsel for the petitioner for consideration is that the Sub Divisional Officer, Jagdishpur, Bhojpur (Ara) has not applied his independent mind and has instead, relied upon the opinion of the Block Supply Officer, Shahpur, Ara, as contained in its letter dated 31.01.2021 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 Block Supply Officer, Shahpur, Ara dated 31.01.2021.

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., Jagdishpur, Bhojpur (Ara) has not applied his independent mind and has instead, relied upon the opinion of the Block Supply Officer, Shahpur, Ara, 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 02.03.2021, passed by the Sub Divisional Officer, Jagdishpur, Bhojpur (Ara) is not sustainable in the eyes of law, consequently, the same is quashed. However, the matter is remanded back to the Sub Divisional Officer, Jagdishpur, Bhojpur (Ara) to proceed afresh, in accordance with law.

The present writ petition stands allowed.

(Mohit Kumar Shah, J)

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