

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 8875 of 2021

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Manoj Kumar Chaudhary Son of Late Seeta Ram Chaudhary, resident of
Village-Deoria Mehndiganj, Police Station-Deoria, Post Office-Deoria,
District-Muzaffarpur, Bihar-843120.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The District Magistrate, Muzaffarpur.
3. The Sub-Divisional Officer, cum Licensing Officer, Muzaffarpur (West).
4. The Block Supply Officer, Paru, Muzaffarpur (West), Muzaffarpur.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 23-09-2021 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 writ petition has been filed seeking quashing of the order dated 26.02.2021, passed by the Sub Divisional Officer, Muzaffarpur (West)-cum-Licensing Authority, whereby and whereunder the P.D.S. license of the petitioner bearing License no. 23030083 of 2016 has been cancelled.



The short point raised by the learned counsel for the petitioner is that a copy of the inquiry report has not been furnished by the Sub- Divisional Officer, Muzaffarpur either with the show cause notice dated 12.01.2021 or with the show cause notice dated 12.02.2021. It is submitted that the petitioner, while submitting his reply dated 23.02.2021 had specifically stated therein that a copy of the inquiry report has not been supplied to him but still the inquiry report was not given to the petitioner. Thus, it is the submission of the learned counsel for the petitioner that non-furnishing of the inquiry report has precluded the petitioner from submitting his wholesome defense, resulting in violation of the Principles of Natural Justice, hence the impugned order dated 26.02.2021 stands vitiated in the eyes of law. Reference in this regard has been made to a judgment of this Court reported in 2013(2) PLJR 706 (Brahmadeo Rai vs. The State of Bihar & Ors.).

The learned counsel for the respondent- State Sri Upendra Pratap Singh (AC to SC 4) has not disputed the position, as is existing in law.

Having regard to the facts and circumstances of the case and considering the fact that the petitioner has not been supplied with the inquiry report, even after the petitioner had



brought this fact regarding non-supply of the enquiry report to the notice of the S.D.O. Muzaffarpur (West), this Court finds that the petitioner has been precluded from furnishing his wholesome defense and has been denied reasonable opportunity, which has resulted in violation of Principles of Natural justice, consequently the order dated 26.02.2021, passed by the Sub Divisional Officer, Muzaffarpur (West) stands vitiated in the eyes of law, thus is quashed, however the matter is remanded back to the Sub Divisional Officer, Muzaffarpur (West)-cum-Licensing Authority to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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