

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6046 of 2020

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Raj Mangal Sharma S/o Late Bhikhari Sharma resident of Village-
Kamalpura, Block- Paroo, District- Muzaffarpur

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna
2. The Sub Divisional Magistrate, West Muzaffarpur
3. The Block Supply Officer, Paroo,(Muzaffarpur)

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shankar Kishore Shahi, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (Standing Counsel-4)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-10-2021 The present petition has been filed for quashing of the order dated 31.01.2020 passed by the Sub-Divisional Officer, West Muzaffarpur, whereby and whereunder the license of the petitioner bearing License No. 23030024 of 2016, has been cancelled.

The short point raised by the learned counsel for the petitioner is that though in the show cause notice dated 06.11.2019, it has been mentioned that a copy of the enquiry report is being annexed therewith but the learned counsel for the petitioner has submitted that from the reply submitted by the petitioner, which can be found at Annexure-3 to the writ petition, it would be apparent that the petitioner has specifically



raised the issue regarding non-supply of the enquiry report, however, the Sub-Divisional Officer, West Muzaffarpur has failed to address the same, resulting in violation of the principles of natural justice inasmuch as the petitioner has been precluded from submitting a wholesome defence to the contents and the allegations levelled in the enquiry report.

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

Having regard to the facts and circumstances of the case, this Court finds that admittedly the petitioner has raised the issue of non-supply of enquiry report to him in his reply submitted before the Sub-Divisional Officer, West Muzaffarpur to the show cause notice dated 06.11.2019, however, the Sub-Divisional Officer, West Muzaffarpur has failed to take note of the same as also has apparently not supplied the copy of the enquiry report resulted in the petitioner being precluded from submitting his wholesome defence which in turn has resulted in violation of the principles of natural justice, hence the impugned order dated 31.01.2020 passed by the Sub-Divisional Officer, West Muzaffarpur is not sustainable in the eyes of law, thus is quashed. However, the matter is remanded back to the



Sub-Divisional Officer, West Muzaffarpur, to proceed afresh in
accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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