

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9571 of 2021

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Satyendra Paswan, Son of Bhola Paswan, Resident of village-Pathra, PS-
Imamganj, District-Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Food and Consumer Protection Department, Government of Bihar, Patna.
2. District Magistrate, Gaya
3. Sub-Divisional Officer, Sherghati, Gaya
4. District Supply Officer, Sherghati, Gaya
5. Assistant District Supply Officer, Sherghati, Gaya.
6. Block Supply Officer, Imamganj, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Adv.

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 28-10-2021 The present writ petition has been filed for quashing the order dated 5.1.2021 whereby and whereunder the license of the PDS shop of the petitioner bearing license no. 47 of 2016 has been cancelled.

The short point raised by the petitioner is that though show cause notice dated 10.12.2020 was issued to the petitioner by the Sub-Divisional Officer, Sherghati, Gaya, but the inquiry report was not supplied to the petitioner as has been specifically stated by the petitioner in his reply dated 16.12.2020. It is further submitted that



though the petitioner had specifically raised the issue of non-supply of the inquiry report in his show cause reply, but still the Sub-Divisional Officer, Sherghati, Gaya has neither supplied the copy of the inquiry report nor has addressed the said issue in the impugned order dated 5.1.2021, hence, the impugned order dated 5.1.2021 stands vitiated in the eyes of law.

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

I have heard the learned counsel for the parties and have gone through the materials on record from which it is apparent that though show cause notice dated 10.12.2020 has been issued to the petitioner, but it appears that the copy of the inquiry report was not annexed therewith inasmuch as the petitioner in his show cause reply dated 16.12.2020 has categorically raised the issue regarding non-supply of the inquiry report, but the same has not been addressed by the Sub-Divisional Officer, Sherghati, Gaya, hence, admittedly, the petitioner has been denied



adequate opportunity to furnish his wholesome defence, resulting in violation of the principles of natural justice, hence, the impugned order dated 5.1.2021 passed by the Sub-Divisional Officer, Sherghati Gaya, stands vitiated in the eyes of law, thus, the same is quashed, however, the matter is remanded back to the Sub-Divisional Officer, Sherghati, Gaya to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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