

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10061 of 2021

Naresh Das Son of Rakshya Das Resident of Village- Tetariya, Village-
Panchayat- Mahuawan, Police Station- Amas, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar at Patna.
2. The District Magistrate Gaya.
3. The Sub Divisional Officer Sherghati, Dist.- Gaya.
4. The Assistant District Supply Officer Sherghati, Dist.- Gaya.
5. The Block Supply Officer Amas, Dist.- Gaya.

... .. Respondent/s

Appearance :

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

For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC-4

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-10-2021 The present writ petition has been filed for quashing the order dated 10.2.2021 passed by the Sub-Divisional Officer, Sherghati, Gaya whereby and whereunder the PDS license of the petitioner bearing license no. 596 / 2007 has been cancelled.

The short issue raised by the learned counsel for the petitioner is that a bare perusal of the impugned order dated 10.2.2021 would show that the Sub-Divisional Officer, Sherghati, Gaya, has relied upon the statement of the beneficiaries in order to come to a conclusion regarding



cancellation of the license of the petitioner, however, the same were never furnished to the petitioner, which would be apparent from the show cause notice dated 24.12.2020. It is thus submitted that the petitioner has been denied adequate opportunity to furnish his wholesome defence, resulting in violation of the principles of natural justice, consequently, the impugned order dated 10.2.2021 stands vitiated in the eyes of law.

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 and having heard the learned counsel for the parties, this Court is of the view that a bare perusal of the materials on record would show that the statements of the beneficiaries have not been supplied to the petitioner, nonetheless, the same have formed the basis for passing the impugned order dated 10.2.2021 whereby and wehreunder the PDS license of the petitioner has been cancelled, thus,



the petitioner has been denied adequate opportunity to file wholesome defence, resulting in violation of the principles of natural justice, consequently, the impugned order dated 10.2.2021 stands vitiated in the eyes of law, hence, is quashed. However, the matter is remanded back to the Sub-Divisional Officer, Sherghati, Gaya, with liberty to him to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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