

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10387 of 2021

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Indradeo Sah, Son of Chulhai Sah, Resident of Village-Deoria, Post Office-Deoria, Police Station-Paroo, Block-Paroo, District-Muzaffarpur-843120.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
2. The Secretary, Food and Consumer Protection Department, Old Secretariat, Patna.
3. The District Magistrate, Muzaffarpur.
4. The Sub-Divisional Magistrate (West), Muzaffarpur.
5. The District Supply Officer, Muzaffarpur.
6. Block Supply Officer, Paroo, District-Muzaffarpur.
7. Block Development Officer, Paroo, District-Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjeet Kumar, 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 01-10-2021 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.

Heard the learned counsel for the petitioner and Sri Upendra Pratap Singh, learned AC to SC 4 appearing for the State.

The present writ petition has been filed for quashing the order dated 26.02.2021, passed by the Sub Divisional Officer, (West), Muzaffarpur, whereby and whereunder the



P.D.S. license of the petitioner bearing License no. 23030047 of 2016 has been cancelled.

The short point raised by the learned counsel for the petitioner is that though the show cause notice dated 12.01.2021 mentions about the inquiry report, being enclosed therein, however the petitioner has categorically stated in his reply dated 23.02.2021 that the inquiry report has not been supplied, thus the same be supplied, however without taking cognizance of the same, the Sub Divisional Magistrate (West), Muzaffarpur has proceeded to cancel the P.D.S. license of the petitioner, hence, admittedly, the petitioner has been deprived of grant of adequate opportunity to represent his case, therefore the impugned order dated 26.02.2021 stands vitiated in the eyes of law.

Per contra, the learned counsel for the respondent State 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 despite the petitioner having informed the Sub Divisional Magistrate (West), Muzaffarpur, by his reply dated 23.02.2021, that a copy of the inquiry report has not been supplied to him, the Sub Divisional Magistrate (West), Muzaffarpur has not taken any cognizance thereof, as also has failed to supply the inquiry report to the petitioner and on the



contrary, has passed the impugned order dated 26.02.2021, resulting in denial of adequate opportunity to the petitioner to represent his case, thus this Court finds that the impugned order dated 26.02.2021 stand vitiated in the eyes of law, having been passed in violation of the Principles of Natural Justice, hence is quashed, however the matter is remanded back to the Sub Divisional Magistrate (West), Muzaffarpur to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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