

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10586 of 2021

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Raj Kumar Paswan Son of Late Ram Bilash Paswan R/o Village- Pakadi
Pakohi, P.S.- Karza, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Food and Consumer Protection, Bihar, Patna.
2. The District Magistrate Muzaffarpur.
3. The Sub Divisional Officer West, District- Muzaffarpur.
4. The District Supply Officer Muzaffarpur.
5. The Block Supply Officer Madwan (Muzaffarpur).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Raju Kumar

For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-09-2021 The present writ petition has been filed for quashing the order dated 26.3.2021 whereby and whereunder the PDS license of the petitioner bearing license no. 23050033/2016 has been cancelled.

The short point raised by the petitioner in the present writ petition is that though in the show cause notice dated 23.8.2020, it has been written that the inquiry report is being enclosed, however, in the reply submitted by the petitioner dated 14.9.2020, it has been categorically stated that the



inquiry report has not been supplied, hence, a copy of the same be supplied to the petitioner so that a wholesome reply can be submitted, nonetheless, the Sub-Divisional Officer, West Muzaffarpur, still did not supply a copy of the inquiry report to the petitioner and has instead passed the impugned order dated 26.3.2021, resulting in violation of the principles of natural justice.

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 submissions made by the learned counsel for the parties, this Court finds that admittedly, the Sub-Divisional Officer, West Muzaffarpur has failed to supply the copy of the inquiry report despite the petitioner having requested him, by his reply dated 14.9.2020, hence, the petitioner has been precluded from submitting his wholesome proper defence, resulting in violation of the principles of natural justice, thus, the impugned order dated 26.3.2021



is unsustainable in the eyes of law, consequently,
is quashed, however, the matter is remanded back
to the Sub-Divisional Officer, West Muzaffarpur for
proceeding afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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