

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 10610 of 2021

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Rampravesh Prasad Son of Sri Chandradip Singh Resident of Village-
Ramdohar, Village Panchayat- Nandai Police Station- Dumariya, District-
Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub-Divisional Officer, Sherghati (Gaya).
4. Assistant District Supply Officer, Sherghati, Dist- Gaya.
5. The Block Supply Officer, Sherghati, Dist- Gaya.

... .. Respondent/s

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Appearance :

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

For the Respondent/s : Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 24-09-2021 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.

The present writ petition has been filed



seeking quashing of the order dated 30.4.2020 passed by the Sub-Divisional Officer, Sherghati, Gaya, whereby and whereunder the PDS license of the petitioner bearing license no. 10 of 2016 has been cancelled.

The short point raised by the learned counsel for the petitioner in the present case is that the Sub-Divisional Officer, Sherghati, Gaya has passed the impugned order dated 30.4.2020, on the basis of the report of the Assistant District Supply Officer, Sherghati, hence, without applying his independent mind, the Sub-Divisional Officer, Sherghati, Gaya, has arrived at a decision to cancel the PDS license of the petitioner, merely on the basis of the report of the Assistant District Supply Officer, Sherghati, copy whereof was never supplied to the petitioner, resulting in the petitioner being precluded from submitting his wholesome defence to the said report, consequently resulting in violation of the principles of Natural Justice.



The learned counsel for the Respondent-State, Sri Alok Ranjan (AC to AAG-5), does not dispute the position, as is existing in law.

I have heard the learned counsel for the parties and gone through the materials on record from which this Court finds that admittedly, the Sub-Divisional Officer, Sherghati, Gaya has solely relied on the opinion of the Assistant District Supply Officer, Sherghati, for the purposes of coming to a decision to cancel the PDS license of the petitioner as also has failed to apply his independent mind and moreover, the said report of the Assistant District Supply Officer, Sherghati, has not been supplied to the petitioner, hence, there has been violation of the principles of natural justice, thus, the finding recorded on the basis of such a report stands vitiated in the eyes of law, consequently, the impugned order dated 30.4.2020 passed by the Sub-Divisional Officer, Sherghati, Gaya is quashed, being unsustainable in the eyes of law, 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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