

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 10590 of 2021

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Umesh Paswan son of Kamru Paswan resident of village Lalganj Sehra,
Sahora, P.S. - Paliganj, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Govt. of Bihar at Patna.
2. District Magistrate, Patna, District- Patna.
3. The Sub-Divisional Officer Cum Licensing Authority, Paliganj, District- Patna.
4. Block Supply Officer, Paliganj, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Advocate
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 23-09-2021 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 for quashing of the order dated 18.02.2021, passed by the Sub Divisional Officer-cum-Licensing Authority, Paliganj, whereby and whereunder the P.D.S. license of the petitioner bearing license no. 58 of 2016 has been cancelled.

The short point raised by the petitioner is that though a



show cause notice dated 25.01.2021 was issued to the petitioner on the basis of the inquiry report dated 23.01.2021, in response whereof, the petitioner had also submitted his reply dated 02.02.2021, however it appears that before passing of the impugned order dated 18.02.2021, the S.D.O. Paliganj had directed the Block Supply Officer, Bikram and Block Supply Officer, Dulhin Bajar to again conduct a joint inspection and submit an inquiry report whereupon, a joint inquiry report dated 04.02.2021 was submitted and on the basis of the same, the impugned order dated 18.02.2021 has been passed, however a copy of the said inquiry report dated 04.02.2021 was never supplied to the petitioner as is apparent from the impugned order dated 18.02.2021, itself. Thus, it is submitted that the petitioner has been precluded from submitting his wholesome defense, resulting in violation of Principles of Natural Justice, consequently, the impugned order dated 18.02.2021 stands vitiated in the eyes of law. It is also submitted that the S.D.O., Paliganj has not applied his independent mind.

The learned counsel for the respondent- State Sri Alok Ranjan (AC to AAG 5) 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 Ld. Counsel for the parties, this Court finds that admittedly, the joint inquiry report dated 04.02.2021 was submitted before the S.D.O., Paliganj, only after the petitioner had filed his reply on 02.02.2021, nonetheless, without supplying the same to the petitioner, the impugned order has been passed on 18.02.2021, which is based upon the findings contained in the joint inquiry report dated 04.02.2021, thus the petitioner was completely unaware about the said joint inquiry report dated 04.02.2021, resulting in him being precluded from filing his wholesome defence, consequently the Principles of Natural Justice have stood violated, hence the impugned order dt. 18.02.2021, being unsustainable in the eyes of law, is quashed, however the matter is remanded back to Sub-Divisional Officer Cum Licensing Authority, Paliganj to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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