

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10884 of 2021

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Suresh Yadav Son of Jalim Yadav Resident of Village and Post-Akbarpur,
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.Upendra Pratap Singh (AC to SC 4)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 30-09-2021 Heard the learned counsel for the petitioner and Sri
Upendra Pratap Singh, learned AC to SC 4 appearing for the State.

The present petition has been filed for quashing the order dated 26.04.2021, passed by the Sub Divisional Officer-cum-Licensing Authority, Paliganj, Patna, whereby and whereunder the license of the petitioner bearing License no. 10 of 2016 has been cancelled.

The short point raised by the learned counsel for the petitioner is that though a show cause notice dated 25.03.2021 was issued to the petitioner, annexing a copy of the inquiry report, however the statement of the consumers was not supplied to the petitioner, which had been pointed out specifically in the reply dated



03.04.2021, submitted by the petitioner but the S.D.O. Paliganj did not take any step to provide the statement of the consumers, hence the petitioner has been denied adequate opportunity to put forth his defense and furnish his explanation to the complaints made by the consumers, thus the impugned order dated 26.04.2021 stands vitiated in the eyes of law.

The learned counsel for the respondent State does not dispute the position, as is existing in law.

Having regard to the facts and circumstances of the case and considering the fact that the statement of the consumers has not been supplied to the petitioner, even after the petitioner had pointed out about the said discrepancy to the S.D.O. Paliganj, this Court is of the view that the petitioner has been denied adequate opportunity to put forth his defense, resulting in violation of Principles of Natural Justice, hence, the impugned order dated 26.04.2021 stands vitiated in the eyes of law, thus is quashed, however the matter is remanded back to the S.D.O. Paliganj to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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