

IN THE HIGH COURT OF JUDICATURE AT PATNA

C.W.J.C. No. 10642 of 2021

Vishnuprabhakar, s/o Baiju Pd. Yadav, r/o ward no. 3, Babhangama
Mahesh, Sukhasan, Gwalpara, Madhepura, Bihar

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Consumer Protection, Government of Bihar, Patna
2. The District Magistrate, Madhepura
3. The Sub-Divisional Officer, Udakishunganj
4. The Block Supply Officer, Gwalpara, Madhepura

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kr. Mishra, Advocate
For the Opposite Party/s: Mr. S. Raza Ahmad(AAG 5)
: Mr. Alok Ranjan (AC to AAG 5)

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 10-08-2021 The present petition 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 challenging the order dated 17.04.2021, passed by the Sub-Divisional Officer, Udakishunganj, whereby and whereunder the P.D.S. licence of the petitioner bearing licence no. 15/2011 has been cancelled.



The learned counsel for the petitioner Sri Sanjeev Kr. Mishra submits that a bare perusal of the show cause notice dated 01.04.2021 would show that though an inquiry report dated 27.03.2021 was submitted by the Block Supply Officer, Gwalpara, Madhepura, however a copy of the same has not been supplied to the petitioner along with the show cause notice, which has resulted in the petitioner being precluded from putting forth his defence in an appropriate manner. Reference in this regard has been made to a judgment reported in **2013 (2) PLJR 706 (Brahmdeo Rai and another v. The State of Bihar)**.

Per contra, the learned counsel for the State has not been able to controvert the aforesaid position as is existing in law.

Having heard the learned counsel for the parties and having regard to the facts and circumstances of the case, this Court finds that though an inquiry was conducted and the inquiry report was submitted by the Block Supply Officer, Gwalpara, Madhepura, however the same has not been supplied to the petitioner, as is apparent not only from the show cause notice dated 01.04.2021 but also from the categorical statement made by the petitioner in paragraphs no. 8 and 9 of the writ petition, hence the petitioner has been precluded from



submitting his wholesome defence resulting in violation of the principles of natural justice, which has vitiated the impugned order dated 17.04.2021, passed by the Sub-Divisional Officer, Udakishunganj, thus the same is quashed, however with liberty to the S.D.O. Udakishunganj to proceed afresh, in accordance with law, if so advised.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

rinkee/-

U			
---	--	--	--

