

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12934 of 2021

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Ram Badai Sah Son of Zaman Sah resident of Akrua, P.O. and P.S.-Piro,
District-Bhojpur, Bihar.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance:

For the Petitioner/s : Mr. Sanjeev Kumar Mishra, 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 16-09-2021 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 petition has been filed seeking quashing of the order dated 02.06.2021, passed by the Sub-Divisional Officer, Piro, Bhojpur, whereby and whereunder, the PDS license of the petitioner bearing License No. 60/2016 has been



cancelled.

The short point raised by the learned counsel for the petitioner Shri Mishra is that though the Sub-Divisional Officer, Piro, Bhojpur has issued a show cause notice to the petitioner dated 24.05.2021, however it is apparent from the same that the enquiry report pertaining to the enquiry conducted by the Block Supply Officer, Piro, Bhojpur on 23.05.2021 has neither been enclosed therewith nor supplied to the petitioner, resulting in precluding the petitioner from filing his wholesome defence, thus the principles of natural justice have been violated. hence the impugned order dated 02.06.2021 stands vitiated.

The learned counsel for the respondent-State Shri 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, this Court finds from a bare perusal of the show cause notice dated 24.05.2021 that the copy of the enquiry report dated 23.05.2021 has not been supplied to the petitioner, hence the petitioner has been precluded from furnishing his wholesome defence, resulting in violation of the principles of natural justice, thus the impugned order dated 02.06.2021 stands vitiated in the eyes of law, hence is quashed, however, the



matter is remanded back to the Sub-Divisional Officer, Piro,
Bhojpur, with liberty to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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