

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12029 of 2021

Ram Sumer Singh Son of Late Jot Narayan Singh Resident of Village-
Sirakohiya, P.O.- Jaintpur Estate, P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Supplies, Government of Bihar, Patna.
2. The Principle Secretary Department of Food and Supplies, Government of Bihar, Patna.
3. The District Magistrate, Muzaffarpur.
4. The Deputy Supply Officer, Muzaffarpur.
5. The Sub- Divisional Officer, Muzaffarpur.
6. The Block Supply Officer Saraiya, Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Ms. Shilpi Keshri, Advocate

For the Respondent/s : Mr. Upendra Pratap Singh, AC to Standing Counsel-4

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 02-11-2021 The present petition has been filed for quashing the order dated 22.05.2021 passed by the Sub-Divisional Officer, West, Muzaffarpur, whereby and whereunder the license of the PDS shop of the petitioner bearing License No. 23040137 of 2017 has been cancelled.

The short point raised by the learned counsel for the petitioner Ms. Shilpi Keshri is that though in the show cause notice dated 05.04.2021 there is reference about the enquiry report being enclosed therewith but actually the petitioner was not served with the enquiry report and the issue regarding non-supply of enquiry report was raised by the petitioner in his show cause reply dated 26.04.2021, which has not been addressed by the Sub-Divisional Officer, West, Muzaffarpur, hence the petitioner has been denied adequate opportunity of furnishing his wholesome



defence resulting in the impugned order dated 22.05.2021 being vitiated in the eyes of law.

Per contra, the learned counsel for the respondent-State Shri Upendra Pratap Singh, AC to Standing Counsel-4 has not disputed the position as is existing in law.

Having regard to the facts and circumstances of the case and considering the fact that though the petitioner has raised the issue of non-supply of enquiry report in his show cause reply dated 26.04.2021 but the same has not stood addressed by the Sub-Divisional Officer, West, Muzaffarpur, this Court finds that the same has resulted in violation of the principles of natural justice inasmuch as the petitioner has been denied adequate opportunity of filing a wholesome defence resulting in the impugned order dated 22.05.2021 being unsustainable in the eyes of law, hence is quashed, however, the matter is remanded back to the Sub-Divisional Officer, West, Muzaffarpur to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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