

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 12151 of 2021

Bhudeo Yadav aged about 53 years (M), son of Jagdish Yadav, resident of village Bhagwana, Chhuchhunriya, P S Sono, Dist. Jamui,

Petitioner

VERSUS

1. The state of Bihar through Sub Divisional Officer, Jamui,
2. District Magistrate, Jamui,
3. Sub Divisional Officer cum Licensing Authority, Jamui,
4. District Supply Officer,
5. Block Supply Officer, Sono, Jamui,

Respondents

Appearance :

For the Petitioner/s : Mr. Prabhat Ranjan Singh, Adv.

For the State : Mr. Upendra Pratap Singh, AC to SC-4

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 07-09-2021 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 the order dated 21.01.2021 passed by the Sub-Divisional Officer, Jamui.

The learned counsel for the petitioner has raised a short point for consideration, to the effect



that though an inspection of the PDS shop of the petitioner is stated to have been conducted on 19.11.2020, but no inquiry report has been enclosed with the show cause notice dated 30.11.2020, issued by the Sub-Divisional Officer, Jamui to the petitioner, nonetheless the same has been relied upon while passing the impugned order dated 21.1.2021, cancelling the PDS license of the petitioner bearing license no. 2/16, thus, the petitioner has been precluded from submitting his wholesome defence, resulting in violation of the principles of Natural Justice.

The learned counsel for the Respondent-State, Sri Upendra Pratap Singh (AC to SC-4), has got no quarrel, as far as the legal position is concerned.

Having regard to the facts and circumstances of the case and considering the fact that the inquiry report in question has not been supplied to the petitioner, this Court is of the view that since the petitioner was not made aware about the contents of the inquiry report, in order to enable him to put forth his wholesome defence, the



impugned order dated 21.1.2021 stands vitiated in the eyes of law, on account of violation of the principles of Natural Justice. Reference in this connection be had to a Judgment reported in 2013 (1) PLJR 706 (Brahmdeo Rai v. The State of Bihar and others). Thus, the impugned order dated 21.1.2021, passed by the Sub-Divisional Officer, Jamui is quashed and the matter is remanded back to the Sub-Divisional Officer, Jamui, who shall issue a fresh show cause notice to the petitioner enclosing a copy of the inquiry report and then, seek the reply of the petitioner, whereafter, he shall pass the final order, in accordance with law.

The writ petition stands disposed of on the aforesaid terms.

(Mohit Kumar Shah, J)

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