

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 12777 of 2021

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Ram Bilash Sah son of Balgovind Sah resident of village - Padma P.O. -
Padma P.S. - Ladiania District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Department of Food and Consumer Protection Government of Bihar, Patna.
2. The Divisional Commissioner Darbhanga Division Darbhanga.
3. The District Magistrate, Madhubani.
4. The Sub - Divisional Officer Jay Nagar District- Madhubani.
5. The District Supply Officer, Madhubani.
6. The Block Supply Officer, Ladiania District Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, 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 24-09-2021 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 seeking quashing of the order dated 21.06.2021, passed by the Sub Divisional Officer, Jay Nagar, whereby and whereunder the license of the petitioner baring License no. 8 of 2016 has been cancelled.



The short point raised by the learned counsel for the petitioner for consideration is that a bare perusal of the show cause notice dated 07.06.2021 would show that a copy of the inquiry report was never supplied to the petitioner resulting in the petitioner being precluded from submitting his wholesome defense, which has resulted in violation of the Principles of Natural Justice, hence the impugned order dated 21.06.2021 is vitiated in the eyes of law.

Per contra, the learned AC to SC 4 appearing for the State Sri Upendra Pratap Singh has submitted that a bare perusal of the show cause notice dated 07.06.2021 and the impugned order dated 21.06.2021 would show that a detailed order has been passed after giving ample opportunity to the petitioner to represent his case, inasmuch as all the allegations have been mentioned explicitly in the show cause notice dated 07.06.2021, nonetheless, from records, it could not be shown that the copy of the inquiry report has been supplied to the petitioner.

I have heard the learned counsel for the parties and perused the materials on record, from which it transpires that a copy of the inquiry report in question has not been supplied to the petitioner, resulting in the petitioner being precluded from submitting his wholesome defense, accordingly the impugned



order dated 21.06.2021, passed by the Sub Divisional Officer, Jay Nagar stands vitiated in the eyes of law, on account of violation of the principles of Natural Justice, hence is quashed, however the matter is remanded back to the Sub Divisional Officer, Jay Nagar to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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