

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12972 of 2021

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Rajkali Kunvar Wife of Late Doman Yadav, Resident of Village - Sarwarpur,
P.S. - Mehandia, District - Arwal.

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Arwal.
2. The Sub-Divisional Officer, Arwal.
3. The Block Supply Officer, Kaler, District - Arwal.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K.Agarwal, Sr. Adv. Mr.Manoj Kumar Pandey, Adv. Ms. Preety Kunwar, Adv.
For the State	:	Mr. Lalit Kishore, AG
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 29-10-2021 The present writ 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 for quashing the order dated 8.2.2021 passed by the Sub-Divisional Officer, Arwal whereby and whereunder the license of the PDS shop of the petitioner bearing license no. 109/2007 has been cancelled.

The short issue raised by the learned Senior Counsel for the petitioner, Sri N.K.Agarwal,



is to the effect that though the Sub-Divisional Officer, Arwal had issued a show cause notice dated 9.12.2020 but a bare perusal of the same would show that the inquiry report has not been enclosed therewith and in fact, the petitioner has also made a categorical statement to the said effect in paragraphs no. 16 and 27 of the present writ petition, hence, it is submitted that the petitioner has been denied adequate opportunity to file his wholesome defence, resulting in violation of the principles of natural justice, thus, the impugned order dated 8.2.2021 stands vitiated in the eyes of law.

Per contra, the learned counsel for the Respondent-State, Sri 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 and considering the fact that the inquiry report has not been enclosed with the show cause notice dated 9.12.2020, this Court finds that the petitioner has been denied adequate opportunity to file his wholesome defence,



resulting in violation of the principles of natural justice, hence, the impugned order dated 8.2.2021 stands vitiated in the eyes of law, thus, is quashed. However, the matter is remanded back to the Sub-Divisional Officer, Arwal to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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