

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13112 of 2021

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Dev Narayan Sah S/o Late Laxmi Sah, Public Distribution System dealer
Panchayat Kerma Diah, P.S.-Kudhani, Village-Barakapur, P.S.-Kudhani,
District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
2. The Sub-Divisional Magistrate, West, Muzaffarpur.
3. The Incharge Block Supply Officer, Kanti.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shankar Kishore Shahi, Adv.
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 28-09-2021 The present writ petition has been filed seeking quashing of the order dated 8.6.2021 passed by the Sub-Divisional Officer, West Muzaffarpur whereby and whereunder the PDS license of the petitioner bearing license no. 23150004/16 has been cancelled.

The short point raised by the learned counsel for the petitioner is that though the show cause notice dated 2.6.2021 mentions that a copy of the inquiry report is being furnished, however, the learned counsel for the petitioner has pointed out from the reply of the petitioner dated 7.6.2021



that the petitioner has categorically mentioned therein that the copy of the inquiry report has not been furnished to the petitioner, thus, resulting in the petitioner being precluded from furnishing his wholesome defence, which has resulted in violation of the principles of natural justice.

Per contra, the learned counsel for the Respondent-State, Sri Upendra Pratap Singh (AC to SC-4) has not disputed the position, as is existing in law.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the parties, this Court finds that though the petitioner, in his reply dated 7.6.2021, has specifically contended that a copy of the inquiry report has not been furnished to the petitioner, but the sub-Divisional Officer, West Muzaffarpur, has not taken any cognizance and has also not bothered to supply the copy of the inquiry report to the petitioner, thus, the same has resulted in the petitioner being precluded from submitting his



wholesome defence, resulting in the impugned order dated 8.6.2021 being vitiated in the eyes of law, consequently, the same is quashed, however, the matter is remanded back to the Sub-Divisional Officer, West Muzaffarpur for proceeding afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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