

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13521 of 2021

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Amlendra Paswan Son of Sudarshan Paswan Resident of Village-Dorapur,
Village Panchayat-Baraah, Police Station-Ranitalab, District-Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate, Patna.
3. The Sub-Divisional Officer, Paliganj (Patna).
4. The Block Supply Officer, Paliganj, Dist.-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Binay Kumar, Advocate
For the Respondent/s	:	Mr.Arvind Ujjwal (Standing Counsel-4)
		Mr. Upendra Pratap Singh,
		AC to Standing Counsel-4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-10-2021 The present writ petition has been filed seeking quashing of the order dated 03.07.2021 passed by the Sub-Divisional Officer, Paliganj, Patna whereby and whereunder the PDS license of the petitioner bearing License No. 163 of 2016 has been cancelled.

The learned counsel for the petitioner has raised a short point for consideration that though two show cause notices dated 18.06.2021 and 29.04.2021 were issued to the petitioner to which the petitioner had submitted replies dated 29.06.2021 and 20.05.2021 categorically stating therein that the statement of the consumers has not been supplied to the petitioner although copy of the enquiry report had been served



upon the petitioner, such non supply of statement of the consumers has resulted in denial of adequate opportunity to the petitioner to file his wholesome defence and rebut the contentions of the consumers in their statement, leading to violation of the principles of natural justice. Thus, it is submitted that the impugned order dated 03.07.2021 stands vitiated in the eyes of law.

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 submissions made by the learned counsel for the parties, this Court finds that though the petitioner in his replies dated 29.06.2021 and 20.05.2021 has taken a categorical plea to the effect that the statement of the consumers has not been supplied to the petitioner but the learned Sub-Divisional Officer, Paliganj, Patna has failed to deal with the same and has merely stated in his order dated 03.07.2021 that a copy of the enquiry report was handed over to the petitioner, however, there is no whisper about the statement of the consumers being supplied to the petitioner, thus this Court finds that the petitioner has been denied reasonable opportunity to file his



wholesome defence resulting in violation of the principles of natural justice, thus the impugned order dated 03.07.2021 stands vitiated in the eyes of law, hence is quashed, however, the matter is remanded back to the Sub-Divisional Officer, Paliganj for proceeding afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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