

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13579 of 2021

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Sidheshwer Prasad son of Ram Bachan Prasad Resident of village - Selgarh,
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. N.K. Agrawal, Sr. Advocate.
		Mr. Binay Kumar, 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 07-10-2021 The present writ petition has been filed seeking quashing of the order dated 03.07.2020 passed by the Sub-Divisional Officer, Paliganj (Patna) whereby and where under the P.D.S. license of the petitioner bearing License No. 129 of 2016 has been cancelled.

The Ld. Senior counsel for the petitioner, Shri N.K. Agrawal, assisted by Shri Binay Kumar, Advocate, has made a short submission to the effect that though in the show cause notice dated 18.6.2021, it has been mentioned that a copy of the enquiry report along with the enclosures are being served upon the petitioner, however, the petitioner in his reply dated 29.6.2021 has categorically stated in paragraph no. 5 thereof that the statement of the



consumers has not been furnished to the petitioner, which, though has been dealt with in the impugned order dated 3.7.2021 but, according to the petitioner, the Sub-Divisional Officer, Paliganj (Patna) has merely relied on the wordings of the notice dated 18.6.2021.

The learned counsel for the Respondent State, Shri Upendra Pratap Singh, AC to SC-4, submits that the aforesaid aspect of the matter has been specifically dealt with by the Sub-Divisional Officer, Paliganj (Patna) in the impugned order dated 3.7.2021 and moreover, in the show cause notice dated 18.6.2021 itself, it has been categorically mentioned that the enquiry report along with the enclosures are being enclosed with the show cause notice. It is further submitted that the said aspect of the matter has been clarified by the Sub-Divisional Officer, Paliganj in the impugned order dated 3.7.2021.

I have heard the learned counsel for the parties and have gone through the materials on record and I find that though the Sub-Divisional Officer, Paliganj in the impugned order dated 3.7.2021 has dealt with the objection of the petitioner, raised in his show cause reply dated 29.6.2021 to the effect that the statement of the consumers has not been supplied to the petitioner, but the Sub-Divisional Officer, Paliganj instead of examining the matter independently, has merely relied on the contents of



the show cause notice dated 18.06.2021, thus a situation of uncertainty has arisen, that as to whether the statement of the consumers was supplied to the petitioner or not. In such circumstances, this Court is of the considered view that, it would be in the interest of justice as also it would be equitable to remand the matter back to the Sub-Divisional Officer, Paliganj in order to enable him to supply the statement of the consumers to the petitioner, seek fresh reply/ defence of the petitioner and then pass the final order afresh. Consequently, the impugned order dated 3.7.2021, passed by the Sub-Divisional Officer, Paliganj is set aside, however, the matter is remanded back to the Sub-Divisional Officer, Paliganj to proceed afresh in the matter, in accordance with law, as aforesaid.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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