

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10557 of 2019

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Raj Kumar S/o Late Deo Narayan Singh Resident of Village-
Khaspur,Panchyat Sonawan,P.S. Didarganj,Patna City,Dist.-Patna

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Food and Consumer Protection Department, Govt. of Bihar,Patna
2. The Collector-cum-District Magistrate, Patna
3. The Licensing Authority-cum-Sub Divisional Officer, Block-Patna City,Dist.-Patna
4. The Block Supply Officer-cum-Supply Inspector, Khusrupur,Block-Patna City,Dist.-Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Bhola Kumar
For the Respondent/s : Mr.Arvind Ujjwal (Sc4)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-03-2021 The present writ petition has been filed for quashing the order dated 07.04.2017 passed by the Sub-Divisional Officer, Patna City, whereby and whereunder the licence of the PDS shop of the petitioner has been cancelled as also for quashing the appellate order dated 14.01.2019 passed by the District Magistrate, Patna, in E.C.Appeal Case No. 637 of 2017-18.

The short point raised by the learned counsel for the petitioner is that while issuance of notice by the Sub-Divisional Officer, Patna City,



dated 10.12.2016, a copy of the inquiry report has not been supplied to the petitioner, hence, the petitioner has been precluded from submitting his wholesome defence resulting in violation of the principles of natural justice. The petitioner has also relied on a judgment rendered by a coordinate Bench of this Court, reported in **2013 (2) PLJR 706 (Brahmadeo Rai vs. The State of Bihar & Ors.)**.

Per contra, the learned counsel for the State has not controverted the aforesaid position, as is existing in law.

Having heard the learned counsel for the parties and having regard to the facts and circumstances of this case, this Court finds that the Sub-Divisional Officer, Patna City, has not supplied a copy of the inquiry report to the petitioner as is apparent from the categorical statement made in paragraph no. 6 of the present writ petition, hence, the petitioner has been precluded from submitting his wholesome defence resulting in violation of the principles of the natural justice, which has vitiated



the impugned orders dated 07.04.2017 and 14.01.2019.

Accordingly, the impugned order dated 07.04.2017 passed by the Sub-Divisional Officer, Patna City and the one dated 14.01.2019 passed by the District Magistrate, Patna are quashed.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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