

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.518 of 2021

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Gajendra Roy @ Gajendra Kumar Roy Son of Dadan Roy resident of
Pachrukhiya, Rajapur, Block- Koilwar, P.O.- Pachrukhiya, P.S.- Koilwar,
District- Bhojpur

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection
Department, Old Secretariat, Patna
2. The District Magistrate-cum-Collector, Bhojpur at Arrah
3. The District Supply Officer, Bhojpur, Arrah
4. The Sub-Divisional Officer-cum-Licensing Authority, Sadar, Arrah
5. The Block Supply Officer, Koilwar, District- Bhojpur at Arrah
6. The Assistant District Supply Officer, Sadar, Arrah

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Diwakar Upadhyaya, Advocate Ms. Preeti Kunwar, Advocate
For the State	:	Mr. Alok Ranjan, AC to AAG-5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 25-10-2021 The present writ petition has been filed seeking

quashing of the order dated 23.04.2020 passed by the Sub-

Divisional Officer, Sadar, Arrah, whereby and whereunder the

PDS license of the petitioner bearing License No. 55 of 2007,

has been cancelled.

The short issue raised by the learned senior counsel

for the petitioner Shri N.K. Agrawal is that though the Assistant

District Supply Officer, Sadar, Arrah was asked to submit his

opinion on the show cause reply submitted by the petitioner



whereafter he had also submitted his opinion but the same was not furnished to the petitioner in order to seek his defence/reply to the same and on the basis of the said opinion, the impugned order dated 23.04.2020 has been passed which has resulted in violation of the principles of natural justice, consequently the impugned order dated 23.04.2020 stands vitiated in the eyes of law.

The learned counsel for the respondent-State Shri Alok Ranjan has not disputed the position as is existing in law.

Having regard to the facts and circumstances of the case, this Court finds that admittedly the show cause reply of the petitioner was sent to the Assistant District Supply Officer, Sadar, Arrah and his opinion was sought, whereafter it appears from the impugned order dated 23.04.2020 that the said opinion has primarily formed the basis for cancellation of the license of the petitioner, however, the said opinion was never supplied to the petitioner in order to enable him to submit his wholesome defence, resulting in violation of the principles of natural justice. Moreover, the Sub-Divisional Officer, Sadar, Arrah who is the licensing authority has failed to apply his independent mind, hence the impugned order dated 23.04.2020 stands vitiated in the eyes of law.



Having regard to the facts and circumstances of the case and for the grounds mentioned herein above, this Court finds that the impugned order dated 23.04.2020 is unsustainable in the eyes of law, hence is quashed. However, the matter is remanded back to the Sub-Divisional Officer, Sadar, Arrah to proceed afresh in the matter, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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