

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14295 of 2021

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Pappu Kumar Singh S/o Parshuram Singh Resident of Village- Balara Kisun,
Balara Ismile Panchayat Akhtiyarpur Paraiya, Anchal- 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.
4. The Incharge, Block Supply Office, Kudhani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shankar Kishore Shahi, Advocate
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 29-09-2021 Heard the learned counsel for the petitioner and Sri
Upendra Pratap Singh, learned AC to SC 4 appearing for the State.

The present writ petition has been filed for quashing the order dated 10.06.2021, passed by the Sub Divisional Magistrate, West, Muzaffarpur, whereby and whereunder the license of the petitioner bearing License no. 23150211 of 2020 has been cancelled.

The short point raised by the petitioner is that though, in the show cause notice dated 02.06.2021, it has been mentioned that a copy of the inquiry report is being enclosed but a bare perusal of the reply filed by the petitioner dated 07.06.2021 would show that the petitioner has categorically raised the issue regarding non supply of inquiry report along with the show cause notice dated 02.06.2021,



hence it is submitted that the petitioner has been precluded from submitting his wholesome defense, resulting in the impugned order dated 10.06.2021 being vitiated in the eyes of law.

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

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and having gone through the materials available on record, this Court finds that though the petitioner has raised the issue of non-supply of inquiry report in his reply to the show cause notice dated 07.06.2021, however without considering the same, the Sub Divisional Officer, West, Muzaffarpur has passed the impugned order dated 10.06.2021 resulting in the same being vitiated in the eyes of law, on account of non compliance of the Principles of Natural Justice, thus the same is quashed, however the matter is remanded back to the Sub Divisional Officer, West, Muzaffarpur to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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