

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 4514 of 2021

Vinod Kumar @ Vinod Ray Son of Ramlagan Rai, resident of Village -
Bahlolpur, Daudpur, District - Muzaffarpur, Bihar - 843107.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The District Magistrate, Muzaffarpur.
3. The Sub-Divisional Officer, cum Licensing Officer, Muzaffarpur(West).
4. The Block Supply Officer, Madban, Muzaffarpur (West) Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Karna, Adv.
For the Respondent/s : Mr. Upendra Pratap Singh, AC to SC-4

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 09-09-2021 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

The present writ petition has been filed for quashing the order dated 21.4.2020 passed by the



Sub-Divisional Officer, West Muzaffarpur whereby and whereunder the PDS license of the petitioner bearing license no. 23030076/16 has been cancelled.

The short point raised by the learned counsel for the petitioner, Sri Ashok Kumar Karna, is that though the show cause notice dated 4.4.2020 mentions that the inquiry report has been enclosed but the petitioner had filed a reply thereto dated 20.4.2020 wherein he had categorically stated that the inquiry report has not been supplied, nonetheless the Sub-Divisional Officer, West Muzaffarpur failed to supply the inquiry report and has instead passed a cryptic order dated 21.4.2020 without dealing with the reply of the petitioner. The learned counsel for the petitioner has thus submitted that the petitioner has been precluded from filing a wholesome defence inasmuch as he has not been supplied with the inquiry report in question and moreover, on account of the non-supply of the inquiry report,



the entire proceeding in question stands vitiated inasmuch as the principles of natural justice has been violated. The learned counsel for the petitioner has relied upon a judgment reported in 2013 (1) PLJR 706 (Brahmdeo Rai v. The State of Bihar and others).

Per contra, the learned counsel for the Respondent-State, Sri Alok Ranjan (AC to AAG-5), has not disputed the position as is existing in law.

Having regard to the facts and circumstances of the case and having considered the materials available on record, this Court finds that the Sub-Divisional Officer, West Muzaffarpur, while passing the impugned order dated 21.4.2020, has neither considered the reply of the petitioner nor furnished clear, cogent and succinct reasons for coming to the decision regarding cancellation of license of the petitioner and moreover, the issue raised by the petitioner in his reply regarding non-supply of the inquiry report has also not been dealt with by the



Sub-Divisional Officer, West Muzaffarpur, hence, this Court finds that the order dated 21.4.2020 passed by the Sub-Divisional Officer, West Muzaffarpur is bad in the eyes of law, thus, is set aside, however, with liberty to the Sub-Divisional Officer, West Muzaffarpur, to proceed further in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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