

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.806 of 2021

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Sudhir Kumar @ Sudhir Kumar Singh S/o Sigheshwar Singh Resident of Village-Baitapur, Post-Shahpur Patti, Deoria, Block Sahabganj and District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary Food and Civil Supply Department, Bihar, Patna.
2. Sub-Division Magistrate, West Muzaffarpur.
3. Block Development Officer, Sahabganj.
4. Block Supply Officer, Sahabganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shankar Kishore Shahi, 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 01-11-2021 The present writ petition has been filed for quashing the order dated 11.4.2020 communicated to the petitioner vide memo dated 13.4.2020 whereby and whereunder the PDS license of the shop of the petitioner bearing license no. 23010058/2016 has been cancelled.

The short point raised by the learned counsel for the petitioner for consideration is that though the Sub-Divisional Officer, West Muzaffarpur, had issued two show cause notices dated 4.4.2020, but the inquiry report was not



supplied to the petitioner as has also been stated by the petitioner in his show cause reply dated 11.4.2020. It is further submitted that the Sub-Divisional Officer, West Muzaffarpur while passing the impugned order dated 11.4.2020 has not considered this aspect of the matter regarding non-supply of the inquiry report, hence the order dated 11.4.2020 passed by the Sub-Divisional Officer, West Muzaffarpur, stands vitiated in the eyes of law.

The learned counsel for the Respondent-State, Sri Upendra Pratap Singh (AC to SC-4), has not disputed the position, as is existing in law.

Having regard to the facts and circumstances of the case and considering the submissions advanced by the learned counsel for the parties, this Court finds that though show cause notices dated 4.4.2020 were issued to the petitioner, however, the petitioner had categorically raised the issue regarding non-supply of the inquiry report in his reply dated 11.4.2020, nevertheless, the same has not been considered



by the Sub-Divisional Officer, West Muzaffarpur, resulting in violation of the principles of natural justice on account of non-supply of the inquiry report to the petitioner, which has resultantly precluded the petitioner from submitting his wholesome defence, consequently, the impugned order dated 11.4.2020 stands vitiated in the eyes of law, hence, the same is quashed. However, the matter is remanded back to the Sub-Divisional Officer, West Muzaffarpur, for proceeding afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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