

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1545 of 2021

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Rajiv Kumar S/o Late Sheetal Ram Resident of Village- Nayatola, Ward No. 11, P.O.- Laluchhapara, Thana- Paroo Pakauli urf Laluchhapara, presently P.D.S. dealer Panchayat Lalu Chhapara, block- Paroo, 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 District Supply Officer, Muzaffarpur
3. The District Panchayati Rai Officer, Muzaffarpur
4. The Sub Divisional Magistrate, West Muzaffarpur, P.s.- Town, Dist.- Muzaffarpur
5. The Block Supply Officer, Paroo, P.s.- Paroo, Dist.- Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shankar Kishore Shahi, Advocate
For the Respondent/s : Mr.Alok Ranjan, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-10-2021 Heard the learned counsel for the petitioner and Sri Alok Ranjan, learned AC to AAG 5 appearing for the State.

The present petition has been filed for quashing of the order dated 01.06.2020, passed by the Sub Divisional Magistrate, West Muzaffarpur, whereby and whereunder the license of the petitioner bearing License no. 23030101 of 2016 has been cancelled.

The short point raised by the learned counsel for the petitioner is that though in the show cause notice dated 16.04.2020, it has been mentioned that a copy of the inquiry report is being annexed therewith but the learned counsel for the



petitioner has submitted that from the reply submitted by the petitioner, which can be found at Annexure-5 to the writ petition, it would be apparent that the petitioner has specifically raised the issue regarding non-supply of the inquiry report, however the Sub Divisional Magistrate, West Muzaffarpur has failed to address the same, resulting in violation of the Principles of Natural Justice, inasmuch as the petitioner has been precluded from submitting a wholesome defense to the contents and the allegations levelled in the inquiry report.

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, this Court finds that admittedly, the petitioner has raised the issue of non-supply of inquiry report to him in his reply submitted before the Sub Divisional Magistrate, West Muzaffarpur to the show cause notice dated 16.04.2020, however the Sub Divisional Magistrate, West Muzaffarpur has failed to take note of the same as also has apparently not supplied the copy of the inquiry report resulting in the petitioner being precluded from submitting his wholesome defense which, in turn has resulted in violation of the Principles of Natural Justice, hence the impugned order dated 01.06.2020, passed by



the Sub Divisional Magistrate, West Muzaffarpur is not sustainable in the eyes of law, thus is quashed, however the matter is remanded back to the Sub Divisional Magistrate, West Muzaffarpur to proceed afresh in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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