

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16942 of 2021

Hari Shankar Prasad Sah Son of ram Lakhan Sah Resident of Vilalge-Bakhra
P.S.-Saraia District-Muzaffarpur, Bihar-843101.

... .. Petitioner/s

Versus

The State of Bihar through Principal Secretary, Department of Food and
Consumer Protection, Government of Bihar, Patna.

The District Magistrate, Muzaffarpur.

The Sub-Divisional Officer, Cum Licensing Officer, Muzaffarpur (West).

The Block Supply Officer, Madban, Muzaffarpur (West) Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Adv.

For the Respondent/s : Mr. Uday Pratap Singh, AC to SC-4

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-10-2021 The present writ petition has been filed seeking quashing of the order dated 09.08.2021 passed by the Sub-Divisional Officer, West, Muzaffarpur, whereby and where under the P.D.S. license of the petitioner bearing License No. 23040826/ 16 has been cancelled.

The short point raised by the Ld. Counsel for the petitioner is that though in the show cause notice dated 29.06.2021, it has been stated that the copy of the enquiry report is being enclosed, but despite the petitioner having categorically taken a stand in his reply dated 12.7.2021 that the copy of the enquiry report has not been furnished to the petitioner, the Sub-Divisional Officer, West, Muzaffarpur has not taken note of the contention of the petitioner and has passed the impugned order



dated 09.08.2021. Thus, it is submitted that the petitioner has been denied reasonable opportunity of hearing on account of non-furnishing of the enquiry report, resulting in violation of the principles of natural justice. Thus, the impugned order dated 09.08.2021 stands vitiated in the eyes of law.

Per contra, the Ld. Counsel for the Respondents State, Shri Upendra Pratap Singh, AC to SC-4, has not disputed the position as is existing in law.

Having heard the learned counsel for the parties and considered the materials available on record, this Court finds that the contention of the petitioner to the effect that a copy of the enquiry report has not been supplied to the petitioner, as has been specifically stated in the reply filed by the petitioner dated 12.07.2021, has not been dealt with by the Sub-Divisional Officer, West, Muzaffarpur, in the impugned order dated 9.8.2021, thus apparently the inquiry report, does not appear to have been supplied to the petitioner, resulting in the petitioner being deprived of a reasonable opportunity to furnish his wholesome defence, consequently the principles of natural justice have been violated, hence, the impugned order dated 09.08.2021 is bad in the eyes of law, thus 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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