

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 13747 of 2019

Badri Mehta, Gender-Male, Aged about 60 years, son of Sukal Mehta,
Resident of Village-Gudiya, P.S.-Jadiya, District-Supaul

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Old Secretariat, Patna
2. The Collector, Supaul, District-Supaul
3. The Sub-Divisional Officer, Supaul, District-Supaul

.. ... Respondent/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Labh, Adv.
For the Union of India : Mr. Upendra Pratap Singh, AC to SC-4

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

4 16-08-2021 The present writ petition 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 27.12.2017 passed by the Sub-Divisional Officer, Triveniganj, whereby and whereunder licence of the petitioner's fair price shop bearing licence no. 69/85 has been cancelled. The petitioner has further prayed for quashing the appellate order dated 03.05.2019 passed by the District Magistrate-cum-Collector, Supaul.

The short issue raised by the petitioner in the present case is that the inquiry report was not supplied to the petitioner along with the show cause notice dated 22.8.2017, hence, the petitioner was not granted adequate opportunity to put forth his wholesome defence, resulting in violation of the principles of natural justice. In this connection, reliance has been placed on a judgment, reported in 2013 (2) PLJR 706 (***Brahmdeo Rai vs. The State of Bihar & Ors.***). The learned counsel for the petitioner has further submitted that though the Respondent-State has filed a counter affidavit, but it has not been denied



that the inquiry report was not been supplied to the petitioner.

Per contra, 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 having heard the learned counsel for the parties, this Court finds that admittedly, the copy of the inquiry report has not been supplied to the petitioner along with the show cause notice dated 22.8.2017, as has also been averred by the petitioner in paragraph no. 16 of the writ petition, hence, the petitioner has been precluded from submitting a wholesome defence, resulting in violation of the principles of natural justice, which has vitiated the impugned order dated 27.12.2017 passed by the Sub-Divisional Officer, Triveniganj, thus, the same is quashed, however, liberty is granted to the Sub-Divisional Officer, Triveniganj, to proceed afresh, in



accordance with law, after furnishing a copy of the inquiry report to the petitioner and seeking his reply thereon. As a consequence of quashing of the original order dated 27.12.2017, the appellate order dated 3.5.2019 has got no legs to stand, hence, the same is also set aside.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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