

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3564 of 2021

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Parmeswhar Singh S/o Late Shyamdeo Singh R/o Village Hetampur, P.S.-
Krishnagarh, District- Bhojpur at Ara.

... .. Petitioner/s

Versus

1. The State of Bihar Through the Secretary, food and consumer Protection Department, Bihar, Patna.
2. The Collector-cum- District Magistrate Bhojpur at Ara.
3. The Addl. Collector Bhojpur at Ara.
4. The District Supply Officer Bhojpur at Ara.
5. Sub- Divisional Officer (Supply) Sadar Ara, Bhojpur.
6. Assistant District Supply Officer cum in-charge Block Supply Barahara District- Bhojpur at Ara.
7. Block Supply Inspector Barahara, District- Bhojpur at Ara.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tribhuwan Narayan, 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 29-10-2021 Heard the learned counsel for the petitioner and Sri

Alok Ranjan, learned AC to AAG 5 appearing for the State.

The present writ petition has been filed seeking quashing of the order dated 16.06.2020, passed by the Sub Divisional Officer (Supply) Sadar, Ara, whereby and whereunder the license of the P.D.S. shop of the petitioner bearing License no. 31 of 2007 has been cancelled.

The short point raised by the learned counsel for the petitioner is that no show cause notice was served upon the petitioner prior to passing of the impugned order dated



16.06.2020, as has been categorically stated in paragraph no. 7 of the present petition, hence the Principles of Natural Justice has been violated and the impugned order has been passed behind the back of the petitioner.

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 and considering the fact that no show cause notice was ever issued, much less no inquiry report was supplied to the petitioner, this Court finds that the petitioner has not been granted any opportunity to put forth his defense, resulting in violation of Principles of Natural Justice, consequently the impugned order dated 16.06.2020 stands vitiated in the eyes of law, hence is quashed. However, the matter is remanded back to the Sub Divisional Officer (Supply) Sadar, Ara to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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