

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7686 of 2021

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Yadunandan Bhagat resident of Village-Gamraho, Police Station-Mahesi,
District-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supplies,
Government of Bihar, Patna.
2. The Commissioner, Koshi Division, Saharsa.
3. The District Magistrate, Saharsa.
4. The Sub-Divisional Officer, Sadar, Saharsa.
5. The Block Supply Officer, Mahesi Block, District-Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ram Pravesh Nath Tiwari, 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

4 26-10-2021 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 20.03.2012, passed by the Sub Divisional Officer,
Sadar, Saharsa, whereby and whereunder the license of the
P.D.S. shop of the petitioner bearing License no. 331 of 2008
has been cancelled. The petitioner has also prayed for quashing
of the appellate order dated 20.10.2014 as also the revisional
order dated 16.11.2019.

The short point raised by the learned counsel for the
petitioner before this Court is that the show cause notice was



issued to the petitioner on 29.02.2012, however in paragraph no. 7 of the counter affidavit, it has been admitted by the respondents that the same was served upon the petitioner only on 20.03.2012 and the impugned order has been passed by the Sub Divisional Officer, Sadar, Saharsa on 20.03.2012 itself, therefore the petitioner was not granted any opportunity to submit his show cause reply, resulting in violation of the Principles of Natural Justice. Thus, it is submitted that the order dated 20.03.2012, passed by the S.D.O., Sadar, Saharsa stands vitiated in the eyes of law, consequently the appellate order dated 20.10.2014 and the revisional order dated 16.11.2019 also stand vitiated in the eyes of law.

The learned counsel for the respondent State has not been able to dispute the fact that the show cause notice in question was served upon the petitioner only on 20.03.2012, the date on which the impugned order has been passed by the S.D.O. Sadar, Saharsa, inasmuch as this is the stand taken by the respondents in the counter affidavit filed before this Court.

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 the petitioner has not been granted any opportunity to file his show cause reply,



inasmuch as the show cause notice was admittedly, received by the petitioner only on 20.03.2012 whereas the impugned order has been passed by the S.D.O., Sadar, Saharsa on the very same day i.e. on 20.03.2012, resulting in violation of Principles of Natural Justice. Thus, the order dated 20.03.2012, passed by the Sub Divisional Officer, Sadar, Saharsa stands vitiated in the eyes of law, hence is set aside. Since, the original order dated 20.03.2012 has stood quashed, the appellate order dated 20.10.2014 and the revisional order dated 16.11.2019 have got no legs to stand, hence are also set aside. However, the matter is remanded back to the S.D.O. Sadar, Saharsa to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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