

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3607 of 2021

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Vakil Paswan, S/o Ajab Pasvan, Resident of Village-Kaithahi, P.S.-Rajnagar,
District-Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Collector, Madhubani.
3. The Sub Divisional Officer, Sadar Madhubani.
4. The Block Supply Officer, Khajauli, Madhubani.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari, Advocate

For the Respondent/s : Mr. Upendra Pratap Singh, AC to Standing Counsel-4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-10-2021 The present petition has been filed for quashing the order dated 28.04.2020, whereby and whereunder the license of the PDS shop of the petitioner bearing License No. 58 of 2017, has been cancelled.

The short issue raised by the learned counsel for the petitioner is that though the show cause notice is dated 24.04.2020 but the same was served upon the petitioner only on 28.04.2020, the day on which the impugned order has been passed by the learned Sub-Divisional Officer, Sadar Madhubani, hence virtually no opportunity has been granted to the petitioner to submit his wholesome defence resulting in violation of the principles of natural justice, thus vitiating the



impugned order dated 28.04.2020.

The learned counsel for the State Shri Upendra Pratap Singh, AC to Standing Counsel-4 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 the show cause notice dated 24.04.2020 was served upon the petitioner only on 28.04.2020, as has been stated in paragraph no. 5 of the present petition and the impugned order has also been passed on the very same day i.e. 28.04.2020, this Court finds that virtually no opportunity has been granted to the petitioner to submit his defence resulting in violation of the principles of natural justice. Consequently, the impugned order dated 28.04.2020 passed by the Sub-Divisional Officer, Sadar Madhubani stands vitiated in the eyes of law, hence is quashed. However, the matter is remanded back to the Sub-Divisional Officer, Sadar Madhubani to proceed afresh, in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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