

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4086 of 2021

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Bishwanath Thakur S/o Late Ramlagan Thakur, Resident of Village - Chhapra
Megh, P.S. - Mushari, District – Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The Collector, Muzaffarpur.
3. The Sub Divisional Officer, (East) Muzaffarpur.
4. The Assistant District Supply Officer (East), Muzaffarpur.
5. The Block Supply Officer, Mushari, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari
For the Respondent/s : Mr.Lalit Kishore (Ag)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 02-11-2021 Heard.

The present writ petition has been filed for quashing the order dated 01.10.2020 passed by the Sub-Divisional Officer, East Muzaffarpur, whereby and where under the license of the PDS shop of the petitioner bearing License No. 23-01-21-02-2016 has been cancelled.

The short point raised by the Ld. Senior counsel for the petitioner, Shri N.K. Agrawal, is that though in the show cause notice dated 21.09.2020, it has been mentioned that a



copy of the enquiry report is being enclosed, however, the petitioner in his reply dated 26.09.2020 has categorically stated that the copy of the enquiry report was not furnished along with the show cause notice dated 21.09.2020. Thus, it is submitted that the impugned order dated 01.10.2020 stands vitiated in the eyes of law in as much as the petitioner was not provided adequate opportunity to put forth his wholesome defence.

The Ld. Counsel for the Respondent State, Shri Upendra Pratap Singh, AC to SC-4, has referred to paragraph no. 9 of the counter affidavit wherein it has been stated that the enquiry report was supplied to the petitioner.

Having regard to the facts and circumstances of the case, this Court finds that though the show cause notice dated 21.09.2020 mentions about the enquiry report being enclosed with the show cause notice, however, despite the petitioner having raised the issue of non-supply of the enquiry report, the same has neither been dealt with in the impugned order dated 01.10.2020 nor the Sub- Divisional Officer, East Muzaffarpur has made any endeavour to supply a fresh copy of the enquiry report to the petitioner, hence, this Court finds that the petitioner has not been granted adequate opportunity to file his wholesome defence,



resulting in the impugned order dated 01.10.2020 being vitiated in the eyes of law, thus is quashed. The matter is remanded back to the Sub-Divisional Officer, East Muzaffarpur to proceed afresh in accordance with law.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

Tiwary/-

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