

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 15545 of 2019

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Guddi Kumari Wife of Dinesh Kumar Choudhary, Resident of Village-
Jayantipur, P.S.- Bahera, District- Darbhanga.

... .. Petitioner/s

Versus

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

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rajeev Kumar Labh, Advocate
For the Respondent/s : Mr.Arvind Ujjwal (SC-4)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 05-07-2021 The present 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 25.06.2019 passed by the Sub-Divisional Officer, Benipur, District-Darbhangha, whereby and whereunder the license of the fair price shop of the petitioner bearing License No. 3 of 2018 has been cancelled.

The short point raised by the learned counsel for the petitioner is that neither the copy of the complaint petition nor



the copy of the enquiry report has been given to the petitioner, hence the petitioner has been precluded from submitting a wholesome reply as also putting forth his defence in a proper manner. Reference in this regard has been made to a judgment reported in **2013(2) PLJR 706 (Brahmdeo Rai Vs. State of Bihar & Ors)**.

Per contra, the learned counsel for the respondent State has not disputed the position as is existing in law, however, has submitted that he be granted liberty to file an I.A. for revival of the present writ petition in case it is brought to his notice by the respondent authorities that the copy of the complaint petition and the enquiry report had been supplied to the petitioner.

Having regard to the facts and circumstances of the case and having heard the learned counsel for the parties, this Court finds that neither the copy of the complaint petition nor the copy of the enquiry report has been given to the petitioner herein along with the show cause notice dated 27.10.2018, as has been averred by the petitioner in paragraph no. 14 of the present 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 25.06.2019, passed by the Sub-Divisional Officer, Benipur, thus, the same is quashed, however, with liberty to the Sub-Divisional Officer, Benipur to proceed afresh, in accordance with law, if so advised.

The writ petition stands allowed, however, with liberty to the learned counsel for the respondent to file an I.A. for revival of the present writ petition in case it is brought to his notice that the copies of the complaint petition and the enquiry report were supplied to the petitioner.

(Mohit Kumar Shah, J)

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