

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16640 of 2019

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Md. Sanaullah Son of Shekh Fida Husain Resident of Village Brindavan,
Bindraban, Danial Parsauna, West Champaran, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Food and Civil Supply Government of Bihar , New Secretariat, Patna.
2. The District Magistrate West Champaran.
3. The Sub Divisional Officer, Narkatiyaganj, West Champaran, Bettiah.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr.Sanjeev Kumar Mishra
For the Respondent/s	:	Mr.S.Raza Ahmad (Aag5)

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 18-03-2021

The present writ petition has been filed for quashing the order dated 17.12.2018 passed by the Sub-Divisional Officer, Narkatiyaganj, whereby and whereunder the licence of the PDS shop of the petitioner has been cancelled. The petitioner has further prayed for quashing the order dated 28.6.2019 passed by the District Magistrate, West Champaran, Bettiah in Case No. CRM-634 of 2018-19.

The short point, which has been raised by the learned counsel for the petitioner, is that though the petitioner was served with show cause notice,



however, a copy of the inspection report was not supplied to the petitioner, hence, resulting in violation of the principles of natural justice inasmuch as the petitioner was not granted an opportunity to submit his wholesome defence to the materials contained in the inspection report.

Per contra, the learned counsel for the State has referred to the counter affidavit filed in the present case and has submitted that due opportunity was granted to the petitioner to put forth his case, however, it has not been denied that the inspection report was not served upon the petitioner.

Having regard to the facts and circumstances of the case and considering the submissions made by the learned counsel for the parties as also considering the law laid down by this Court in a judgment reported in **2013 (2) PLJR 706 (Brahmadeo Rai vs. The State of Bihar & Ors.)**, this Court finds that since the inspection report has not been supplied to the petitioner, the petitioner has been precluded from submitting his



wholesome defence, resulting in violation of the principles of natural justice, which has vitiated the impugned orders dated 17.12.2018 and 28.06.2019.

In such view of the matter, the order dated 17.12.2018 passed by the Sub-Divisional Officer, Narkatiyaganj and the one dated 28.06.2019 passed by the District Magistrate, West Champaran, Bettiah, are quashed.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

