

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16163 of 2021

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Vilash Yadav, Son of Ghoghan Yadav, Resident of Village - Purani Sarai,
Rampur Khurd, Police Station - Nath Nagar, Gram Panchayat - Bhatauria,
District – Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar, through Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The District Magistrate, Bhagalpur.
3. The Sub-Divisional Officer, Cum Licensing Officer, Bhagalpur Sadar, Bhagalpur.
4. The Block Supply Officer, Nathnagar, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Karna, Advocate

For the State : Mr. S. Raza Ahmad, AAG 5 with
Mr. Vishwambhar Prasad, AC to AAG 5

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CORAM: HONOURABLE MR. JUSTICE RAJAN GUPTA
and
HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE RAJAN GUPTA)

3 28-04-2022 The present petition has been filed for quashing the order dated 26.06.2021 passed by the Sub-Divisional Officer-cum-Licensing Authority, Sadar Bhagalpur, whereby and whereunder the PDS license of the shop of the petitioner bearing No. 22/16 has been cancelled.

The short point raised by the learned counsel for the petitioner in the present writ petition is that no enquiry report was supplied to the petitioner so as to enable the petitioner to



submit his wholesome defence. In this regard, though the learned counsel for the petitioner has relied on several judgments but it would suffice to refer to a judgment reported in **2013(2) PLJR 637 (Md. Najibul Haque Ansari Vs. State of Bihar and Anr.).**

We have put a query to the learned counsel for the State to show from the counter affidavit filed in the present case as to whether allegation of the petitioner regarding non-supply of the enquiry report is correct or not to which the learned counsel for the State submits that the averments made in the counter affidavit do not depict that the enquiry report was ever supplied to the petitioner, before passing of the impugned order dated 26.06.2021.

Having regard to the facts and circumstances of the case as also considering the fact that no enquiry report was served upon the petitioner prior to passing of the impugned order dated 26.06.2021 so as to enable the petitioner to submit his wholesome defence, we are of the view that the principles of natural justice have been violated resulting in the entire proceedings being vitiated. Consequently, the impugned order dated 26.06.2021 passed by the Sub-Divisional Officer-cum-Licensing Authority, Sadar, Bhagalpur, is quashed, however,



with liberty to him to proceed afresh in the matter.

The writ petition stands allowed.

(Rajan Gupta, J)

(Mohit Kumar Shah, J)

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