

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4105 of 2023

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Kisun Paswan, S/o Shyam Narayan Paswan, Resident of Village- Kerma Dih,
P.S.- Kudhani, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through its Principal Secretary, Food and Civil Supply Department, Govt. of Bihar, Patna.
2. Collector-Cum-District Magistrate, Muzaffarpur.
3. Sub-Divisional Magistrate, West, Muzaffarpur.
4. Block Supply Officer, Kudhani, District Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Shankar Kishore Shahi, Advocate
For the Respondent/s : Mr.S. Raza Ahmad (AAG 5)

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CORAM: HONOURABLE MR. JUSTICE A. ABHISHEK REDDY
ORAL JUDGMENT

Date : 10-10-2023

Learned counsel for the petitioner has submitted that he could not file a reply to the show-cause notice issued by the licensing authority as his wife was seriously ill. Even though the Medical documents were placed before the appellate authority in support of his averment, the same were not considered by the appellate authority and solely on the ground that the petitioner did not file his reply to the show-cause, the appeal was rejected and the cancellation order was upheld.

2. Learned counsel appearing for the State after having noticed the aforesaid argument, states that the matter may be remanded back to the Sub-Divisional Magistrate, West



Muzaffarpur (Respondent No. 3) for deciding afresh after giving a proper opportunity of hearing to the petitioner. Keeping in view, the provisions of the Control order, 2016, it is expected from the Sub-Divisional Magistrate to give a fair and proper opportunity to the concerned licensee to defend himself against the show-cause notice. For the said purpose as already held by this Court, a copy of the Inspection Report should also be provided to him and he would be free to defend himself to the said extent also.

3. In view of the fact that the petitioner has not been given a fair and proper opportunity and that he could not file his reply as his wife was seriously unwell, this Court is satisfied that the orders passed by the appellate authority cannot be sustained.

4. In view thereof, the order passed by the appellate authority as well as the Sub-Divisional Magistrate dated 06.09.2022 and 04.10.2019, respectively, are quashed and set aside with liberty to the Sub-Divisional Magistrate to proceed afresh by giving a fresh show-cause notice and giving opportunity of hearing to the petitioner by supplying him a copy of the Inspection Report. The decision shall be taken within a period of two months, the petitioner is expected to cooperate



and file his reply within the time stipulated.

5. It is made clear that during the pendency of the aforesaid proceedings, the license shall remain suspended.

6. This writ petition is, accordingly, disposed of.

(A. Abhishek Reddy , J)

Bhardwaj/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

