

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9782 of 2022

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Viltu Safi S/o- Late Mahanthi Safi, Resident of Village- Bardaha, Ward No. 2,
P.S.- Bardaha, District- Madhubani, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principle Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate, Madhubani.
3. The Sub Divisional Officer, Sadar Madhubani.
4. The Block Supply Officer, Babubarhi.

.. ... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate
		Ms. Diksha Kumari, Advocate
For the Respondent/s	:	Mr.Arvind Ujjwal (Sc4)

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

2 20-08-2024 Heard the learned counsel for the parties.

2. In the present case, the Sub Divisional Officer Sadar Madhubani has issued a notice dated 26.12.2017 based on the Inspection Report dated 13.12.2017, however, it is to be noted that the allegations made against the petitioner are of the year 2014 & 2015.

3. A perusal of the show cause notice does not reveal the names of the complainants/beneficiaries who have stated to have made any complaints against the petitioner to the authorities. Though the petitioner has filed his explanation to the said show cause notice (Annexure-3) without adverting to the contents of the said show cause. The appeal filed by the petitioner has also not being dealt with in a proper prospective



and the order is passed in a mechanical manner. The appellate authority has adverted to the criminal case filed against the petitioner for dismissing the appeal. This Court in a catena of cases time and again has held that the whenever any show cause notice is issued, the authority should duly enclose the enquiry report and also give the names of the beneficiaries who have made the statements/complaints against the petitioner so as to enable the petitioner to give a suitable explanation and the same is missing in this case.

4. Further, it is to be noted that in the notice dated 26.12.2017, the allegation made against the petitioner pertaining to the year 2015 that too without giving the specific details of the violations, if any, the names of the consumers/beneficiaries who have alleged to have made the complaints. Unless and until the names of the complainants are given and the petitioner is given an opportunity of cross-examining the said complainants to test the veracity of their statements, the procedure adopted cannot be said to be a fair one and has to termed as one in violation, the principle of natural justice and equity.

5. Having regard to the same, the impugned order dated 21.03.2018, passed by the Sub Divisional Officer, Sadar Madhubani, the order dated 15.02.2022, passed by the appellate



authority are both set aside. The matter is remanded back to the S.D.O. concerned for consideration of the entire matter. In case any action is sought to be taken against the petitioner, the petitioner shall be issued a fresh show cause notice duly enclosing the copy of the enquiry report and also disclosing the names of the complainants/beneficiaries and the statements made by them. The petitioner shall be given an opportunity of filing his explanation to the said show cause notice and thereafter necessary orders passed on merits. The entire exercise shall be completed as expeditiously as possible preferably within a period of eight weeks from the date of the receipt of a copy of this order. Before passing any order the petitioner shall be given an opportunity of hearing. Any order passed shall be communicated to the party. In case the authority comes to a conclusion that the matter does need further action to be taken, the license of the petitioner shall be restored and the food grains for distribution shall be resumed.

6. With the above direction, the present writ petition stands disposed of.

(A. Abhishek Reddy, J)

Ankit Kumar/-

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