

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25565 of 2019

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Saroj Kumar Das Son of Wakil Das resident of Village- Karim Nagar,
Panchayat Mahiuddin Nagar, Police Station- Mahiuddin Nagar, District-
Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The Principal Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna.
3. The District Magistrate, Samastipur.
4. The Sub Divisional Officer, Patori, Samastipur.
5. The Block Supply Officer, M. Nagar, Samastipur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Karna, Advocate
For the Respondent/s : Mr. S. Raza Ahmad, AAG 5

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CORAM: HONOURABLE JUSTICE SMT. G. ANUPAMA CHAKRAVARTHY
ORAL JUDGMENT
Date : 07-01-2025

1. The petitioner has filed the Writ petition for
the following reliefs:-

*“That the Petitioner in the
instant writ application prays for
quashing of the Order under Memo No.
2362 dated 24.12.2018 passed by the
Respondent No. 4 whereby and where
under the license of the Petitioner had
been cancelled without supplying the
Enquiry Report to the Petitioner and
license of the Petitioner had been*



cancelled on the vague allegations which is violation of principles of natural justice and the same is also violatibe law settled by this Hon'ble Court in the case of Raghuvir Prasad Vs the State of Bihar and others bearing C.W.J.C. No. 253/2014 that on the basis of vague allegations as well as without supplying the Enquiry Report the Public Distribution System license cannot be cancelled and the Petitioner further prays for restoration of the Public Distribution System License of the Petitioner.”

2. At the very outset, Learned counsel for the petitioner contended that since this matter is squarely covered under the order dated 17.09.2018 passed in **CWJC No. 1339 of 2018 (Brahmanand Paswan Vs. The State of Bihar & Ors.)** by a Co-ordinate Bench of this Court, this writ petition may also be disposed of on the same terms and conditions.

3. Having regard to the facts and circumstances of the case, since the respondent no.4 has not supplied



any enquiry report along with the show cause notice, the entire proceeding is perverse, hence the order passed by the respondent no.4 dated 24.12.2018, is quashed and the respondent S.D.O., Patori, Samastipur is granted liberty to proceed afresh in the matter.

4. The writ petition is allowed in light of the order passed in **Brahmanand Paswan (supra)**.

5. It is needless to state that in case the Respondent No.4 finds that the enquiry report has already been supplied and he is having proof thereof, it will be open for the Respondent No.4 to approach this Court for recall of the present order.

6. Interlocutory Application(s), if any, shall stand disposed of.

(G. Anupama Chakravarthy, J)

Spd/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	08.01.2025
Transmission Date	

