

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.606 of 2025

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Ajay Kumar Singh son of Laxmikant Singh, Resident of Village-Fulwariya,
Police Station-Baruraj, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Old Secretariat, Patna.
2. The Principal Secretary, Food and Civil Supplies Department, Government of Bihar, Old Secretariat, Patna.
3. The Divisional Commissioner, Tirhut Division, Muzaffarpur.
4. The District Magistrate, Muzaffarpur.
5. The Sub-Divisional Officer (West), Muzaffarpur-cum-Licensing Authority, Muzaffarpur.
6. The Block Supply Officer, Block-Motipur, Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeet Kumar
For the Respondent/s : Mr. Government Advocate (8)

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

2 17-03-2025 Heard the learned counsel for the parties.

The present writ petition has been filed for the
following relief(s):-

“(i) For issuance of writ in the nature of Certiorari to set aside the order contained in Memo No. 884 dated 25.10.2024 issued under the signature of Sub Divisional Officer, West, Muzaffarpur by which the PDS License of the petitioner has been cancelled in most illegal and arbitrary manner and without supplying the Inquiry Report of Block supply Officer, Motipur contained in Memo No. 210 dated 18.10.2024 is which it has been clearly mentioned that the shop has been inspected at 12:35 P.M. on 07.10.2024 which is the basis of issuance of order of cancellation. The petitioner was not given proper



opportunity to file his reply to Show-Cause notice.

(ii) That the petitioner further prays for direction upon the Respondents to restore the PDS shop of the petitioner which he is running in Parsauni Nath Panchayat of Motipur Block in the District of Muzaffarpur.

(iii) That the petitioner also prays for issuance of any other direction/directions/ for which for which the petitioner is found entitled for by this Hon'ble Court."

3. The present writ petition has been filed assailing the order dated 25.10.2024 passed by the Sub Divisional Officer, West Muzaffarpur.

4. Learned counsel appearing on behalf of the petitioner has stated that though the petitioner was issued show cause notice dated 19.07.2024 along with the enquiry report and he has submitted his explanation to the same subsequently, the authorities have issued another show cause notice dated 23.09.2024. Further, learned counsel has stated that the authorities while passing the impugned order have relied on the enquiry report dated 18.10.2024 which is subsequent to the issuance of the show cause notice. Learned counsel has stated that the said enquiry report was not furnished to the petitioner and, therefore, the impugned order is liable to be set aside on the gross violations of principles of natural justice and equity. Learned counsel has stated that the impugned order may be set aside and the matter may be remanded back to the authority



concerned for passing orders afresh duly furnishing the copy of the enquiry report dated 18.10.2024 and giving an opportunity of submitting his explanation to the respondents authority.

5. *Per contra*, the learned counsel appearing on behalf of the respondents has vehemently opposed the very maintainability of the present writ petition and stated that the petitioner is having an alternative and efficacious remedy of filing an appeal before District Magistrate against the impugned order passed by the SDO concerned. Learned counsel has therefore, prayed this Hon'ble Court to dismiss the present writ petition.

6. Admittedly, as seen from the impugned order, the authorities have relied on the enquiry report dated 18.10.2024. The said enquiry report is subsequent to the issuance of the show cause notices to the petitioner on 19.07.2024 & 23.09.2024. This Court in number of cases has time and again held that when the authorities are relying on the particular piece of evidence, in this particular case the enquiry report dated 18.10.2024, the person against whom the adverse orders are passed, liable to be issued the copy of the same before any order is passed. The authorities are legally bound to furnish the copy of the enquiry report dated 18.10.2024 and give an opportunity



to the petitioner to submit his explanation and, thereafter, pass a reasoned order. In this case, the said aspect is missing.

7. Having regard to the same, the impugned order dated 25.10.2024 is set aside and the matter is remanded back to the SDO concerned. The authority shall furnish the copy of the enquiry report dated 18.10.2024 to the petitioner and give him an opportunity to file his explanation to the said enquiry report. In case any other material is sought to be relied, the same shall also be furnished to the petitioner. Once the petitioner submits his explanation, the authority concerned after service of the enquiry report dated 18.10.2024 shall pass a reasoned order giving reasons. The entire exercise shall be completed as expeditiously as possible preferably within a period of eight weeks from the date of receipt of a copy of this order. It is needless to mention that before passing any orders, the petitioner shall be given an opportunity of hearing. Any orders passed shall be communicated to the petitioner.

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

(A. Abhishek Reddy, J)

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