

**(2020) 02 PAT CK 0262**

**In the Patna High Court**

**Case No :** Civil Writ Jurisdiction Case No. 19772 Of 2018

Sanjay Kumar Mishra

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

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**Date of Decision :** 18-02-2020

**Acts Referred:**

**Citation :** (2020) 02 PAT CK 0262

**Hon'ble Judges :** Mohit Kumar Shah, J

**Bench :** Single Bench

**Advocate :** Dhananjaya Nath Tiwari, Arvind Ujjwal

**Final Decision :** Allowed

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## **Judgement**

1. The present writ petition has been filed for quashing the order dated 25.08.2018, passed by the Sub Divisional Officer, Tekari, Gaya, whereby and whereunder the P.D.S. licence of the petitioner bearing licence no. 23 of 2016 has been cancelled.

2. The short point raised by the petitioner, in the present writ petition, is that though a show cause notice dated 18.05.2018 was issued to the petitioner and the report of the A.D.S.O. Tekari and Block Supply Officer, Tekari was supplied to the petitioner, however the complete copy of the inquiry report was not supplied and infact, the statements of the consumers were also not enclosed along with the show cause notice. These averments have been made in paragraphs no. 9 to 12 of the writ petition which have not been denied.

3. The learned Senior counsel for the petitioner has submitted that in absence of supply of the complete inquiry report as also the statements of the consumers, the petitioner has been precluded from putting forth his wholesome defence, resulting in violation of the principles of natural justice, inasmuch as the impugned order dated 25.08.2018 has been passed taking into consideration such materials, which have not been supplied to the petitioner herein, hence it is submitted that the impugned order dated 25.08.2018 is fit to be set aside.

4. The learned counsel for the State has not been able to dispute the averments made in the writ petition regarding non-supply of the complete inquiry report as also the statements of the consumers.

5. Having regard to the facts and circumstances of the case, considering the averments made by the learned Senior counsel for the petitioner as also by the learned counsel for the State, taking into account the judgment rendered by a coordinate Bench of this Court in the case of *Brahmadeo Rai v. the State of Bihar and others* (2013) 2 PLJR 706 and for the reasons mentioned hereinabove, this Court finds that the impugned order dated 25/28.08.2018, passed by the Sub Divisional Officer, Tekari, Gaya is not sustainable in the eyes of law, hence the same is quashed. It is needless to state that the Sub Divisional Officer, Tekari, Gaya shall be free to take appropriate action in accordance with law, afresh, after supplying complete copy of the inspection reports and the statements of the consumers to the petitioner herein.

6. The writ petition stands allowed.