
(2020) 02 PAT CK 0375

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 3484 Of 2020

Virendra Kumar Singh

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 27-02-2020

Acts Referred:

Citation : (2020) 02 PAT CK 0375

Hon'ble Judges : Mohit Kumar Shah, J

Bench : Single Bench

Advocate : Dhananjaya Nath Tiwari, S. Raza Ahmad

Final Decision : Allowed

Judgement

1. The present writ petition has been filed for quashing the order dated 03.01.2020, whereby and whereunder the P.D.S. licence of the petitioner bearing licence no. 14 of 2016 has been cancelled by the Sub Divisional Officer, Mahua, Vaishali.

2. The short issue raised by the petitioner in the present case is that the impugned order dated 03.01.2020 would itself show that opinion was sought for from the In-charge Assistant District Supply Officer, Mahua and on the basis thereof, the Sub Divisional Officer, Mahua has cancelled the licence of the petitioner. It is thus submitted that the said action of the Sub Divisional Officer, Mahua is illegal, inasmuch as the petitioner has not been supplied with a copy of the opinion of the In-charge Assistant District Supply Officer, Mahua so as to enable him to submit his wholesome defence which has resulted in denial of fair opportunity to the petitioner to establish his innocence, hence it is submitted that the Principles of Natural Justice have been violated. In this connection, the learned counsel for the petitioner has relied upon the order/ judgment of this Court dated 17.12.2018 and 30.05.2019 passed in CWJC no. 16872 of 2016 and CWJC no. 10937 of 2016 respectively.

3. The position existing as on fact as also in law, is not denied by the learned

counsel for the State.

4. Having regard to the facts and circumstances of this case, considering the submissions of the learned counsel for the parties as also considering the aforesaid judgments rendered by this Court, this Court finds that the S.D.O., Mahua has passed the impugned order dated 03.01.2020, primarily on the basis of the information furnished by the In-charge Assistant District Supply Officer, Mahua which was never supplied to the petitioner herein, hence denying the petitioner of fair opportunity to put forth his defense resulting in violation of Principals of Natural Justice, thus the impugned order dated 03.01.2020 cannot be sustained in the eyes of law, hence is quashed.

5. The writ petition stands allowed, however with liberty to the S.D.O., Mahua to proceed afresh, in accordance with law.