

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.933 of 2014

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Kamlesh Rai @ Kameshwar Rai, Son Of Late Shiv Shankar Rai, Resident Of
Village - Sabbalpur Utri, P.O. And P.S. Sonpur, District - Saran

.... Petitioner

Versus

1. The State Of Bihar Through The Secretary Food And Consumer Protection
Department, Old Secretariat, Patna
2. The District Magistrate, Saran, District - Saran, Chapra
3. The Sub - Divisional Officer, Sonpur, Saran, District - Saran

.... Respondents

with

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Civil Writ Jurisdiction Case No. 1707 of 2014

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Umesh Rai S/O Late Shiv Shankar Rai, Resident Of Village- Sabbalpur Utri, P.O.
And P.S. Sonpur, District- Saran.

.... Petitioner

Versus

1. The State Of Bihar Through The Secretary Food And Consumer Protection
Department, Old Secretariat, Patna.
2. The District Magistrate, Saran, District- Saran, Chapra.
3. The Sub Divisional Officer, Sonpur, Saran, District- Saran.

... Respondents

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Appearance :

(In CWJC No. 933 of 2014)

For the Petitioner : Mr. Rajeev Kumar Labh, Advocate

For the Respondents : Mr. Anil Kumar, GP-23

(In CWJC No. 1707 of 2014)

For the Petitioner : Mr. Rajeev Kumar Labh, Advocate

For the Respondents : Mr. Anshuman Singh, GP-24

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CORAM: HONOURABLE DR. JUSTICE RAVI RANJAN

ORAL JUDGMENT

Date: 05-04-2016

In both writ petitions, the licence of the writ petitioners,

granted for running P.D.S. shop, has been cancelled.

It is contended on behalf of the petitioners that a show

cause notice was issued on 07.12.2011 for initiating a proceeding for

cancellation of the licences. Petitioners were directed to file reply

within two days, however, copy of the show cause notices were

served upon the petitioners on 16.12.2011 and when they filed replies on the next date i.e. on 17.12.2011, the impugned order was already passed.

Petitioners have appended a copy of the information which has been provided to them under the Right of Information Act which discloses the fact that petitioners filed a reply on 17.12.2011 at about 5.00 P.M, however, the show cause notices were served upon the petitioners on 16.12.2011.

In my view, petitioners have not given adequate opportunity to file reply to the show cause notices as show cause notices were served upon the petitioners on 16.12.2011 and order was passed on next day itself.

In above view of the matter, in my considered view, the impugned orders as well as the appellate orders are not sustainable in law and as such, the same are quashed and set aside. Therefore, the matter is remitted back to the licensing authority for taking a fresh decision in the matter after consideration of the reply to the show cause notices filed by both the petitioners within a period of two months from the date of receipt/ production a copy of this order.

(Dr. Ravi Ranjan, J.)

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