

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16916 of 2018

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Bhola Paswan son of Indal Paswan resident of village - Narkatiya,
Panchayat - Inderwa, P.s. - Sonbarsa, District - Sitamarhi.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Bihar, Patna.
2. The District Magistrate Sitamarhi, District Sitamarhi.
3. The District Supply Officer, Sitamarhi, District - Sitamarhi.
4. The Sub Divisional Officer cum Licensing Authority, Sitamarhi Sadar, District - Sitamarhi.
5. The Block Supply Officer, Block - Sonbarsa, District - Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Chandra

For the Respondent/s : Mr. Arvind Ujjwal- Sc4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 27-09-2018 The present writ petition has been filed for quashing the order passed by the Sub-Divisional Officer, Sitamarhi, Sadar dated 21.07.2018 whereby and whereunder the P.D.S. Shop Licence of the petitioner has been cancelled.

The short issue raised by the learned counsel for the petitioner is that only three days notice was given to the petitioner to file reply which is insufficient, hence on this ground alone the order passed by the Sub-Divisional Officer, Sitamarhi is fit to be set aside. The learned counsel for the petitioner submits that the present case is squarely covered by a judgment reported in 2013(1) PLJR 718 [Smt. Fulpati Devi vs. The State of Bihar & Ors.]



Having regard to the facts and circumstances of this case, this Court finds that three days' time granted to the petitioner for filing reply to the show cause is grossly inadequate and amounts to breach of the principles of natural justice, inasmuch as the petitioner has been precluded from submitting his defence/ reply, hence, the order passed by the Sub Divisional Officer, Sitamarhi, Sadar dated 21.07.2018 is quashed and the Sub-Divisional Officer, Sitamarhi, is granted liberty to proceed afresh in accordance with law.

The writ petition is allowed.

(Mohit Kumar Shah, J)

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