

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19424 of 2018

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Jagdish Ram S/o Late Mansi Ram, resident of Village- Patori, P.S. Bihra,
District- Saharsa. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food & Consumer Protection Department, Bihar, Patna.
 2. The Divisional Commissioner, Koshi Division, Saharsa.
 3. The District Magistrate-cum- Collector, Saharsa.
 4. The Sub- Divisional Officer, Sadar, Saharsa.
 5. The Block Supply Officer, Satarkatiya, Saharsa. Respondent/s
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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari
For the Respondent/s : Mr. Arvind Ujjwal -Sc4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 11-10-2018

The present writ petition has been filed for quashing of the order dated 28.12.2012 passed by the Sub-Divisional Officer, Sadar, Saharsa whereby and whereunder the P.D.S. licence issued to the petitioner has been cancelled, the appellate order dated 30.09.2013 passed by the Collector-cum-District Magistrate, Saharsa, whereby and whereunder the appeal of the petitioner has been rejected as also the revisional order dated 03.01.2014 passed by the Divisional Commissioner, Koshi Division, Saharsa.

The short point raised by the petitioner is that the notice dated 15.12.2012 would itself bear it out that only three days' time was granted for filing reply to the show cause notice which is grossly inadequate. Reference in this regard has been made to a judgment of a co-ordinate Bench of this Court reported



in *(2013) 1 PLJR 718*.

I have heard the learned counsel for the parties and gone through the materials on record and I find that grant of three days time for filing show case reply is highly insufficient as has been held by a co-ordinate Bench of this Court. Moreover, the impugned order dated 28.12.2012 also smacks-of non-consideration and non-application of mind.

For the reasons mentioned herein, the present writ petition is allowed and the order 28.12.2012 passed by the Sub-Divisional Officer, Sadar, Saharsa, the appellate order dated 30.09.2013 passed by the Collector-cum-District Magistrate, Saharsa and the order dated 03.01.2014 passed by the Divisional Commissioner, Koshi Division, Saharsa are quashed, however with liberty to the S.D.O. Sadar, Saharsa to proceed further in accordance with law. It is further directed that the resumption of supply shall be subject to till the final outcome of fresh proceeding.

The writ petition is allowed to the aforesaid extent.

(Mohit Kumar Shah, J)

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