

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3635 of 2018

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Chandeshwari Ram, son of Late Babuan Ram, Resident of Village- Dighia,
Panchayat Siraday, Block- Kahra, P.S.- Saharsa, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food & Civil Supplies, Government of Bihar, Patna.
2. The Principal Secretary, Department of Food & Civil Supplies, Government of Bihar, Patna.
3. The District Magistrate, Saharsa.
4. The Sub- Divisional Officer, Sadar, District- Saharsa.
5. The District Supply Officer, Saharsa.
6. The Block Supply Officer, Block- Kahra, District- Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra

For the Respondent/s : Mr. Arvind Ujjwal- SC4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 24-09-2018

1. The present writ petition has been filed for setting aside the order dated 30.08.2017 passed in Supply Appeal case no. 129 of 2012-13 as also the order dated 15.09.2012 passed by the Sub-Divisional Officer, Sadar, Saharsa, whereby and whereunder the P.D.S. licence of the petitioner has been cancelled.

2. The short issue raised by the petitioner is that the petitioner was granted 03 days' time to file reply to the show cause notice which is grossly insufficient, hence amounts to violation of the principles of natural justice, inasmuch as no reasonable opportunity was granted to the petitioner to defend himself.



3. I have heard the learned counsel for the parties and gone through the materials on record. I find that the present case is squarely covered by a judgment rendered by the co-ordinate Bench of this Court reported in *(2013) 1 PLJR 718*. This Court further finds that grant of 03 days' time for submitting show cause reply is grossly insufficient.

4. Having regard to the facts and circumstances of the case, the impugned orders dated 15.09.2012 and 30.08.2017 are quashed, however with liberty to the Sub-Divisional Officer, Sadar, Saharsa to proceed further in the matter in accordance with law.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.09.2018
Transmission Date	NA

