

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8703 of 2017

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Prem Bihari Singh, S/o Late Nand Kumar Singh, R/o Village - Dharampur, P.S. -
Daudpur, District - Saran.

.... Petitioner

Versus

1. The State of Bihar through the Secretary, Food & Consumer Protection Department, Bihar, Patna.
2. The District Magistrate-cum-Collector, Saran at Chapra.
3. The Sub-Divisional Officer, Sadar, Chapra.
4. The Block Supply Officer, Manjhi, Chapra.

.... Respondents

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Appearance :

For the Petitioner : Mr. Dhananjaya Nath Tiwari, Advocate

For the Respondents : Mr. Lalan Kumar, AC to GP9

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 20-02-2018

Heard learned counsel for the petitioner as well as learned
counsel for the respondents.

2. The present writ petition has been filed for quashing of the order contained in memo no. 210 dated 11.03.2017, passed by learned Sub-Divisional Officer, Sadar, Chapra by which the license of the petitioner to run the P.D.S. shop being licence no. 34/2016 has been cancelled.

3. Learned counsel for the petitioner makes a short submission to assail the impugned order of cancellation on the ground that the same has been passed on 11.03.2017, a day prior to the show cause notice being served upon the petitioner on 12.03.2017. The impugned order has therefore been passed without grant of opportunity to the petitioner of being heard in the matter.

4. Learned counsel for the respondents appears and has



been heard.

5. Having heard learned counsel for the parties and on careful consideration of the materials available on record, this Court finds merit in the writ petition. In the instant case, the show cause notice is said to have been served upon the petitioner on 12.03.2017 being a day after the impugned order was passed. Clearly therefore the petitioner was denied an opportunity of hearing prior to passing of the impugned order which is violative of the principles of natural justice and hence unsustainable in law.

6. In the above view of the matter, the impugned order contained in Memo No. 210 dated 11.03.2017 (Annexure-2) is hereby quashed and the matter is remanded to the Sub-Divisional Officer, Sadar, Chapra for passing the orders afresh after grant of reasonable opportunity of hearing to the petitioner in accordance with law. Supplies to the petitioner shall be restored without delay until fresh orders are passed by the respondent no. 3.

7. The writ petition stands allowed as above.

(Vikash Jain, J)

B.T/Chandran

AFR/NAFR	NAFR
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