

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17395 of 2018

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Rajendra Prasad Yadav Son of Sri Shyamlal Prasad Yadav Resident of
Village- Lakhauwan, Vllage Panchayat- Sahiya, Police Station- Wazirganj,
District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Department of Food and consumer Protection, Government of Bihar, Patna.
2. The District Magistrate, Gaya,
3. The Sub-Divisional Officer, Sadar Gaya.
4. The Block Supply Officer, Wazirganj, Distt. Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-10-2018

The present writ petition has been filed for quashing of the order dated 10.11.2017 passed by the S.D.O. Sadar, Gaya, whereby and whereunder the P.D.S. licence of the shop of the petitioner has been cancelled.

The short point raised by the petitioner is that the notice dated 14.07.2017 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 10.11.2017 also smacks off non-consideration and non-application of mind.

For the reasons mentioned herein, the present writ petition is allowed and the order dated 10.11.2017 passed by the S.D.O. Sadar, Gaya is quashed, however with liberty to S.D.O. Sadar, Gaya to proceed further in accordance with law.

The writ petition is allowed.

(Mohit Kumar Shah, J)

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