

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.17381 of 2018**

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Shivnath Kumar Singh @ Shivnath Singh Son of Sri Lakhhan Singh Resident  
of Village-Usari, Village Panchayat-Kenar Paharpur, Police Station-  
Wazirganj, District-Gaya.

.... .... Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Food  
and Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The District Magistrate, Gaya.
4. The Block Supply Officer, Wazirganj, Dist.-Gaya.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Binay Kumar

For the Respondent/s : Mr. S.Raza Ahmed -Aag5

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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 a  
notice dated 14.07.2017 itself would 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 be had 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.

**(Mohit Kumar Shah, J)**

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