

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4752 of 2017

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Mango Manjhi, son of Late Pokhan Manjhi, Resident of Village- Harli Kala,
Village Panchayat- Kanhaul, Police Station- Bodh Gaya, 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 Sub-Divisional Officer, Sadar Gaya, District- Gaya.
4. The Block Supply Officer, Bodh Gaya, Dist- Gaya.
5. The Block Development Officer, Bodh Gaya, Dist- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar
For the Respondent/s : Mr. Smt. Namrata Mishra- Ga6

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 18-12-2018

1. The present writ petition has been filed for quashing of the order dated 07.01.2017 passed by the Sub Divisional Officer, Sadar, Gaya, whereby and whereunder the P.D.S. licence of the shop of the petitioner has been cancelled.

2. The short point raised by the petitioner is that the notice dated 28.12.2016 would itself bear it out that only 24 hours' 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*.

3. I have heard the learned counsel for the parties and gone through the materials on record and I find that grant of



24 hours’ 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 07.01.2017 also smacks of non-consideration and non-application of mind.

4. For the reasons mentioned herein, the present writ petition is allowed and the order dated 07.01.2017 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.

5. The writ petition is allowed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.12.2018
Transmission Date	NA

