

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16307 of 2015

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Prabhat Kumar Son of Late Jagdish Prasad Sah resident of Patel Nagar, Ward
No. 19, P.S. Khagaria, Distt. - Khagaria

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food & Consumer Protection
Department, Bihar, Patna
2. The Collector, Khagaria
3. The Sub - Divisional officer, Khagaria
4. The Block Supply Officer, Khagaria

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjaya Nath Tiwari, Adv

For the Respondent/s : Mr. SC18- N. HODA KHAN

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date: 18-08-2018

Heard learned counsel for the petitioner and learned counsel
for the respondents.

2. The present writ petition has been filed for quashing the
order contained in memo no. 417 dated 07.08.2015 passed by the Sub-
Divisional Officer, Khagaria by which licence of the petitioner's PDS
shop bearing no. 17K/2007 has been cancelled and monthly allotment
has been stopped; and further to restore the petitioner's license.

3. Learned counsel for the petitioner makes a short
submission to assail the impugned order on the ground that the
licensing authority has granted only 24 hours time for replying the



show cause notice without granting an opportunity of being heard and adducing evidence in that regard, which is unreasonable and insufficient.

4. Learned counsel for the respondents appears and has been heard.

5. In the above view of the matter, this Court is satisfied that grant of 24 hours for replying the show cause notice to the petitioner has resulted in violation of natural justice and thus the decision making process stands vitiated. The impugned order dated 07.08.2015 (Annexure-3) is hereby quashed and the matter remanded to the Sub Divisional Officer, Khagaria for taking decision afresh in the matter after service of proper show cause notice to the petitioner and granting adequate opportunity of hearing in accordance with law. Licence of the petitioner shall be restored without delay until fresh orders are passed.

6. The writ petition stands allowed as above.

(Vikash Jain, J)

Chandran/Md. Ibrarul

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.08.2018
Transmission Date	NA

