

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16646 of 2017

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Kaushal Kishore Jha, Son of Late Abhinandan Jha, Resident of Village- Prem
Nagar, Police Station- Runi Saidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Sitamarhi.
3. The Sub Divisional Officer, Sitamarhi Sadar, District- Sitamarhi.
4. The District Supply Officer, Sitamarhi.
5. The Block Supply Officer, Runi Saidpur Block, District Sitamarhi.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Nath Dubey
For the Respondent/s : Mr. Arbind Ujjawal, SC-4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-11-2018 The present writ petition has been filed for quashing the order bearing Memo No. 449 dated 17.11.2016 passed by the Sub-Divisional Officer, Sitamarhi Sadar, District-Sitamarhi, whereby and where under the license of the petitioner for running P.D.S. shop has been cancelled.

The short issue raised by the petitioner is that merely, three days' notice bearing Memo No. 439 dated 05.11.2016, has been issued to the petitioner, hence, the time granted to the petitioner for replying to the show cause notice is grossly insufficient, which amounts to violation of the principles of natural justice, thus, the order of cancellation is bad.

I have heard the learned counsel for the parties and I find that admittedly, only three days' time were granted to the



petitioner to file his reply to the show cause notice which, in view of the opinion of this Court, is absolutely insufficient. This aspect of the matter has already been decided in a catena of decisions by the co-ordinate Bench of this Court, one of such order being the one reported in **2013(1) PLJR 718 (Smt. Fulpati Devi vs. The State of Bihar & ors.)**.

For the reasons mentioned herein above, the writ petition is allowed and the order bearing Memo No. 449 dated 17.11.2016 passed by the Sub-Divisional Officer, Sitamarhi Sadar, District-Sitamarhi is quashed, however, with liberty to the Sub-Divisional Officer, Sitamarhi Sadar, District-Sitamarhi to proceed further in the matter in accordance with law.

S.Sb/-

(Mohit Kumar Shah, J)

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