

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2431 of 2017

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Manohar Singh, Son of Upendra Narayan Singh, Resident of Village-
Garhara-2, P.S.- Barauni, District- Begusarai.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Food and Civil Supply Department, Old Secretariat, Patna.
2. The Collector, Begusarai.
3. The S.D.O. Begusarai.
4. The Block Supply Officer, Barauni, Begusarai.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 18-12-2018

Ref.:-I.A. No. 9351 of 2018

The present interlocutory application has been filed seeking to amend the main writ petition and now, the petitioner seeks to challenge the original order dated 03.08.2011 passed by the S.D.O., Begusarai whereby and whereunder the P.D.S. licence of the shop of the petitioner has been cancelled.

I.A. No. 9351 of 2018 is allowed. The registry is directed to add the prayer made in paragraph no. 1 of the present interlocutory application to paragraph no. 1 of the main writ petition.

C.W.J.C. No. 2431 of 2017

The present writ petition has been filed for quashing the order dated 03.08.2011 passed by the S.D.O., Begusarai as also



the appellate order dated 16.07.2016.

The short issue raised by the petitioner is that merely, three days' notice dated 22.06.2011 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 was granted to the petitioner to file his reply to the show cause notice which, in 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 Benches 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 hereinabove, the writ petition is allowed and the impugned orders dated 03.08.2011 and 16.07.2016 are quashed, however, with liberty to the Sub-Divisional Officer, Begusarai to proceed further in accordance with law.

(Mohit Kumar Shah, J)

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