

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21225 of 2018

=====

Chandrika Shah, son of Naga Sah, resident of Gram Mainatand, P.O.-
Mainatand, District- West Champaran, Bihar- 845306

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Food and Civil Supply,
Government of Bihar, New Secretariat, Patna.
2. The District Magistrate, West Champaran, Bettiah.
3. The Sub Divisional Officer, Narkatiyaganj, West Champaran, Bettiah.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra, Advocate
For the Respondent/s : Mr. S.Raza Ahmad -AAG-5

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 27-11-2018

The present writ petition has been filed for quashing the order dated 01.12.2017 passed by the S.D.O., Narkatiyaganj whereby and where under the P.D.S. license of the petitioner has been cancelled.

The learned counsel for the petitioner has raised a short issue for consideration to the effect that only three days' time was granted for filing the show cause reply which by any stretch of imagination is insufficient.

The learned counsel for the petitioner has relied upon a judgment rendered by a Co-ordinate Bench of this Court reported in 2013(1) PLJR 718 wherein this Court has held that three days' time granted to file the reply to the show cause notice was clearly insufficient.

Having heard the learned counsel for the parties and considered the materials on record, this Court is of the opinion that three days' time granted to the petitioner for filing show cause reply is thoroughly inadequate and amounts to breach of the principle of natural justice inasmuch as adequate opportunity has not been granted to the petitioner to put forward his defence.



For the reasons mentioned hereinabove, the writ petition is allowed and the order dated 01.12.2017 passed by the S.D.O., Narkatiyaganj is quashed, however, with liberty to the S.D.O., Narkatiyaganj to proceed afresh in accordance with law.

(Mohit Kumar Shah, J)

nasimul/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

