

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23826 of 2018

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Suresh Kumar son of Asharfi Ray, resident of village Mansurpur, P.O. and
P.S. Saray, District Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar & Ors

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajeev Kumar Labh
For the Respondent/s : Mr. S.Raza Ahmad -Aag5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 19-12-2018

The present writ petition has been filed for quashing the order dated 27.09.2018 passed by the Sub Divisional Officer, Hajipur whereunder the licence of the fair price shop of the petitioner has been cancelled.

The short issue raised by the petitioner is that merely, three days' notice dated 30.08.2018 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 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 herein above, the writ petition is allowed and the order of the Sub-Divisional Officer, Hajipur dated 27.09.2018 is quashed, however, with liberty to the Sub-Divisional Officer, Hajipur to proceed further in accordance with law.

The writ petition is allowed.

(Mohit Kumar Shah, J)

Tiwary/-

AFR/NAFR	NAFR
CAV DATE	N/A
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