

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12015 of 2018

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Mangal Yadav Son of Balram Yadav Resident of Village Arihana, P.S.
Azamnagar, District Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary, Food & Consumer Protection Department, Old Secretariate, Patna.
2. The SDO, Barsoi, Katihar.
3. The Block Supply Officer, Azamnagar, Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate Mr. D.N. Tiwari, Advocate Mr. Vijay Anand, Advocate
For the Respondent/s	:	Mr. Arvind Ujjwal- SC4

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 27-07-2018 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

Petitioner challenges the order dated 05.02.2018 passed by the Respondent-Sub-Divisional Officer, Barsoi by which the PDS licence being Licence No. 2 of 1992 has been cancelled on the ground that the petitioner did not file any reply to the show cause issued showing certain irregularities in the distribution and regulation of the licence.

Learned counsel for the petitioner submits that the show cause notice was issued vide Memo No. 78 dated 25.01.2018, Anenxure-1 to this application granting three days time to file show cause, which does not amount to reasonable



opportunity and immediately thereafter within 13 days of the issuance of show cause, the order of cancellation has been passed vide Memo No. 91 dated 05.02.2018, Annexure-3 to this application. He submits that the issue is no longer res integra as this Court in the case of Gano Bhuiyan @ Gano Manjhi versus The State of Bihar and Others, passed in CWJC No 9842 of 2018 dated 10.07.2018 relying on the decision of this Court in the case of Smt. Fulpati Devi versus The State of Bihar, since reported in 2013 (1) PLJR 718 has held that three days time to reply to the show cause was clearly insufficient.

In view of the above, impugned order dated 05.02.2018 as contained in Annexure-3 is set aside and the matter is remanded back to Respondent No. 2 to take a fresh decision in the matter in accordance with law after granting reasonable opportunity of hearing to the petitioner. Supplies to the petitioner shall be restored forthwith until fresh order is passed by Respondent No. 2.

Writ application is allowed.

(Nilu Agrawal, J)

Arjun/Pragya

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