

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14970 of 2018

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Lalan Tiwary, Son of Shri Ragho Tiwary, resident of Village Giddha, Phulwaria, Gram Panchayat Giddha Phulwaria, Block Runi Saidpur, Police Station Runi Saidpur, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Food and Supply Department, Patna.
2. The District Magistrate, Sitamarhi.
3. The Sub Divisional Officer, Sitamarhi.
4. The Block Development Officer, Runi Saidpur Block, District Sitamarhi-cum-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. Arvind Ujjwal- Sc4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-12-2018 The present writ petition has been filed for quashing the order dated 29.09.2016 passed by the Sub Divisional Officer, Sitamarhi as also the appellate authority dated 22.6.2018 whereby and whereunder the P.D.S licence shop of the petitioner has been cancelled.

The short issue raised by the petitioner is that merely, two days' notice dated 18.06.2016 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 two 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 hereinabove, the writ petition is allowed and the order of the Sub-Divisional Officer, Sitamarhi dated 29.09.2016 as also the order of the appellate authority dated 22.6.2018 are quashed, however, with liberty to the Sub-Divisional Officer, Sitamarhi to proceed further in accordance with law.

(Mohit Kumar Shah, J)

Tiwary/-

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