

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17364 of 2018

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Mosafir Das, S/o Sohan Das, Resident of Village- Bara, P.S.- Gurua,
District- Gaya.

.... Petitioner/s

Versus

1. The State of Bihar through Principal Secretary Food & Civil Supply
Department, Patna.
2. The District Magistrate, Gaya.
3. The SDO, Sherghati, Gaya.
4. The Block Supply Officer, Gurua, Gaya.

.... Respondent/s

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Appearance:

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate

Mr. Vijay Anand

Ms. Preety Kunwar

For the Respondent/s : Mr. S. Raza Ahmad, AAG-5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 01-10-2018 The present writ petition has been filed for quashing the order dated 12.07.2018 passed by the District Magistrate, Gaya as also the order dated 30.01.2016 passed by the Sub-Divisional Officer, Sherghati, whereby the P.D.S. license of the petitioner's shop has been cancelled.

The learned senior counsel for the petitioner has submitted that only three day's time was granted to the petitioner to file reply to the show cause notice issued by the Sub-Divisional Officer which is grossly insufficient. It is further submitted that the petitioner has been precluded from submitting his defence, hence there is violation of the principles of natural justice.



Reference in this regard has been made to a judgment reported in PLJR 2013(1) 718.

Having regard to the facts and circumstances of the case, this Court is of the view that three day's time granted to the petitioner to file reply is surely inadequate, hence the order dated 30.01.2016 passed by the Sub-Divisional Officer, Sherghati and the appellate order dated 12.07.2018 passed by the District Magistrate, Gaya are quashed with liberty to the Sub-Divisional Officer, Sherghati to proceed further in accordance with law.

The writ petition is allowed.

(Mohit Kumar Shah, J)

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