

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21231 of 2018

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Sunil Kumar Mishra, son of Late Brijraj Mishra, village- Deo Markande,
P.O.- Deo Markande, P.S.- Karakat (Gorari), District- Rohtas.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Protection Department, Government of Bihar, Patna.
2. The District Magistrate, Rohtas.
3. The Sub Divisional Officer, Bikramganj, Rohtas.
4. The District Supply Officer, Rohtas.
5. The Block Development Officer, Karakat, Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Narayan Rai, Advocate
For the Respondent/s : Mr. S.Raza Ahmad -AAG-5

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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 04.02.2016 passed by the S.D.O., Bikramganj whereby and where under the P.D.S. license of the petitioner has been cancelled. The petitioner has further prayed to quash the appellate order dated 19.06.2018 passed by the District Magistrate, Rohtas in Supply Appeal No. 08 of 2016.

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 herein above, the writ petition is allowed and the order dated 04.02.2016 passed by the S.D.O., Bikramganj as also the appellate order dated 19.06.2018 passed in Supply Appeal No. 08 of 2016 are quashed, however, with liberty to the S.D.O., Bikramganj to proceed afresh in accordance with law.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29-11-2018
Transmission Date	N/A

