

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22925 of 2018

=====

Doman Baitha @ Doman Rajak, son of Late Krit Baitha, resident of village-
Karai, Village Panchayat-Bhimpur, P.S.-Konch, District-Gaya

... .. Petitioner/s

Versus

The State of Bihar & Ors

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Binay Kumar

For the Respondent/s : Mr.Arvind Ujjwal, SC-4

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 21-12-2018 The present writ petition has been filed for quashing the order dated 23.06.2016, passed by the learned Sub-Divisional Officer, Tikari, District-Gaya, whereby and whereunder the P.D.S. license of the shop of the petitioner has been cancelled. The petitioner has also prayed for quashing of the appellate order dated 07.08.2018 passed by the learned Collector, Gaya.

The short issue raised by the petitioner is that merely, 24 hours notice vide Memo No. 356 dated 08.06.2016 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 48 hours 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 dated 23.06.2016, passed by the learned Sub-Divisional Officer, Tikari, District-Gaya, as also the appellate order dated 07.08.2018 passed by the learned Collector, Gaya are quashed, however, with liberty to the Sub-Divisional Officer, Tikari, District-Gaya to proceed afresh, in accordance with law.

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

