

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.22856 of 2018**

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Satya Narayan Prasad Yadav, son of Late Nurangi Yadav, Resident of village-  
Badi Kothia, P.S. Mufassil, Khagaria, District-Khagaria

... .. Petitioner/s

Versus

The State of Bihar & Ors

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Rajeev Kumar Labh  
For the Respondent/s : Mr.Arvind Ujjwal, SC-4

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      21-12-2018                      At the outset the learned counsel for the petitioner  
  
seeks to correct the address of the petitioner.

Let the same be done during the course of the day.

The present writ petition has been filed for quashing  
the order dated 27.09.2018 passed by the Sub-Divisional  
Officer, Khagaria, whereby and whereunder the P.D.S. license of  
the petitioner has been cancelled.

The short issue raised by the petitioner is that merely,  
three days' notice vide Memo No. 367 dated 07.09.2018 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 three 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 herein above, the writ petition is allowed and the order dated 27.09.2018, passed by the learned Sub-Divisional Officer, Khagaria is quashed, however, with liberty to the Sub-Divisional Officer, Khagaria to proceed afresh, in accordance with law.

**(Mohit Kumar Shah, J)**

S.Sb/-

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