

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22162 of 2018

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Ramnath Singh, S/o Late Gangaram Singh, Resident of Village- Bisun Tola
Jalalpur, P.S- Muffasil, District- Saran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary Food & Consumer Protection
Department, Government of Bihar, Patna.
2. The Collector, Saran at Chapra.
3. The Sub Divisional Officer Sadar, Chapra.
4. The Block Supply Officer, Sadar, Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhananjaya Nath Tiwari
For the Respondent/s : Mr.Arvind Ujjwal -Sc4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 20-12-2018

The present writ petition has been filed for quashing the order dated 05.01.2018 passed by the Sub Divisional Officer, Sadar, Chapra whereby and whereunder the P.D.S licence of the shop of the petitioner has been cancelled. The petitioner has also challenged the appellate order dated 10.9.2018.

The short issue raised by the petitioner is that merely, three days' notice dated 06.05.2017 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 coordinate 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, Sadar, Chapra dated 05.01.2018 as also the order of the appellate authority dated 10.09.2018 are quashed, however, with liberty to the Sub-Divisional Officer, Sadar, Chapra to proceed further in accordance with law.

(Mohit Kumar Shah, J)

Tiwary/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	15-01-2019
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