

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22909 of 2018

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Bishnu Kumar Jha, son of Late Yogendra Jha, resident of Ratinath Vasu Lane,
Jun Pokhar, B. Deoghar, P.S. Deoghar, District-Deoghar, State-Jharkhand,
presently residing at Resident of village-Raj Karnagar, P.S. Chandramandi,
District-Nawada

... .. Petitioner/s

Versus

The State of Bihar & Ors

... .. Respondent/s

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Appearance :

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

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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 03.11.2018, passed by the learned Sub-

Divisional Officer, Jamui, whereby and whereunder the P.D.S.

license of the shop of the petitioner has been cancelled.

The short issue raised by the petitioner is that merely,

4 days' notice vide Memo No. 1199 dated 11.10.2018 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 four 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 03.11.2018, passed by the learned Sub-Divisional Officer, Jamui, is quashed, however, with liberty to the Sub-Divisional Officer, Jamui to proceed afresh, in accordance with law.

(Mohit Kumar Shah, J)

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