

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22699 of 2018

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Lal Jhari Devi, w/o Jay Prakash Yadav, r/o vill-Shahpur, PS-G.B. Nagar,
Tarwara, Dist-Siwan

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Department of Food and Consumer Protection, Government of Bihar, Patna
2. The District Magistrate cum Collector, Siwan
3. The Sub-Divisional officer, Maharajganj, Dist-Siwan
4. The Block Supply Officer, Maharajganj, Dist-Siwan

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar
For the Respondent/s : Mr.S.Raza Ahmad -Aag5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 20-12-2018

1. The present writ petition has been filed for quashing of the order dated 17.04.2013 passed by the S.D.O. Maharajganj, Siwan, whereby and whereunder the P.D.S. licence of the shop of the petitioner has been cancelled. The petitioner has further prayed for quashing of the appellate order dated 11.09.2018.

2. The short point raised by the petitioner is that a notice dated 12.04.2013 would itself bear it out that only two days' time was granted for filing reply to the show cause notice which is grossly inadequate. Reference in this regard has been made to a judgment of a co-ordinate Bench of this Court reported in *(2013) 1 PLJR 718*.



3. I have heard the learned counsel for the parties and gone through the materials on record and I find that grant of two days' time for filing show case reply is highly insufficient as has been held by a co-ordinate Bench of this Court. Moreover, the impugned order dated 17.04.2013 also smacks of non-consideration and non-application of mind.

4. For the reasons mentioned herein, the present writ petition is allowed and the order dated 17.04.2013 passed by the S.D.O. Maharajganj, Siwan is quashed, however with liberty to the said authority to proceed further in accordance with law.

5. The writ petition is allowed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
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