

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.14925 of 2017**

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Sobhendra Kamat, son of Late Jagdish Kamat, resident of Village & P.O.-  
Chakauli, P.S.- Nanpur, District- Sitamarhi.

.... .... Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Civil Supply,  
Government of Bihar, Patna.
2. That Divisional Commissioner, Tirhut Division, Muzaffarpur, District-  
Muzaffarpur.
3. The District Magistrate, Sitamarhi, District- Sitamarhi.
4. The Sub- Divisional Officer, Pupri at Sitamarhi, District- Sitamarhi.
5. The Block Supply Officer, Pupri, District- Sitamarhi.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Shankar Kumar

For the Respondent/s : Mr. ARVIND UJJWAL SC4

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**

**ORAL JUDGMENT**

**Date: 19-07-2018**

Heard learned counsel for the petitioner and learned  
counsel for the State.

Petitioner seeks quashing of the order dated 19.06.2017  
passed in Record Case No. 07 of 2017 passed by the Sub Divisional  
Officer, Pupri at Sitamarhi whereby and whereunder the License  
No. 14 of 1995 has been cancelled on the ground that on the  
complaint received by some of the consumers, a show cause was  
issued but no reply was received controverting the said allegations.

Learned counsel for the petitioner submits that the notice  
postulated a reply within three days and since he was suffering from



Rhumatic fever and Rhumatic arthritis, a doctor prescription has been annexed as Annexure-2, he could not file reply to the show cause.

Considering the facts that the petitioner was not granted an opportunity to file a reply which is infraction of principles of natural justice as the petitioner ought to have been heard before cancellation of license, the matter is remanded back to the Sub Divisional Officer, Pupri at Sitamarhi to issue a show cause notice and proceed in accordance with law. Show cause would be issued by the Sub Divisional Officer, Pupri at Sitamarhi within four weeks from the date of receipt/production of this order. The petitioner is directed to file reply within two weeks and a final order is to be passed by the Sub Divisional Officer, Pupri at Sitamarhi within four weeks thereafter.

With the above observations and directions, this writ application is disposed off.

**(Nilu Agrawal, J)**

Devendra/-

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| AFR/NAFR          | NAFR       |
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