

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16918 of 2017

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Satya Narayan Rai son of Late Sita Ram Rai Resident of Village - Bhusi Tola,
P.O. Bela, P.S. Dariyapur, District - Saran at Chapra.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Food and Consumer Conservation Department, Government of Bihar, Patna.
2. The Commissioner, Saran Division, Chapra.
3. The District Magistrate, Saran at Chapra, District - Saran at Chapra.
4. The Sub-Divisional Officer, Sonapur, District - Saran at Chapra.
5. The Block Development Officer, Dariyapur, District - Saran at Chapra.
6. The Block Supply Officer, Dariyapur, District - Saran at Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Anita Kumari
For the Respondent/s : Mr. S. Raza Ahmad, AAG-5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 29-11-2018 The present writ petition has been filed for quashing the order dated 06.02.2016 passed by the Sub-Divisional Officer, Sonapur, District-Saran as also the appellate order dated 02.05.2017 passed by the District Magistrate, Saran at Chapra and the revisional order dated 25.09.2017 Commissioner, Saran Division, Chapra.

The short issue raised by the petitioner is that merely, three days' notice bearing Memo No. 46 dated 27.01.2016, 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 view of 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 Bench 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 06.02.2016 passed by the Sub-Divisional Officer, Sonapur, District-Saran as also the appellate order dated 02.05.2017 passed by the District Magistrate, Saran at Chapra and the revisional order dated 25.09.2017 Commissioner, Saran Division, Chapra are quashed, however, with liberty to the Sub-Divisional Officer, Sonapur, District-Saran at Chapra to proceed further in the matter in accordance with law.

(Mohit Kumar Shah, J)

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