

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18996 of 2018

=====

Surya Ram Son of Late Nakchhed Ram Ward No. 08, Tarkulwa, Ragir
Mujauli, P.S. Chautarwa, District- West Champaran.

... Petitioner/s

Versus

1. The State of Bihar through the Secretary Food and Civil Supply
Government of Bihar New Secretariat, Patna.
2. The District Magistrate West Champaran Bettiah.
3. The Sub Divisional Officer, Bagha West Champaran, Bettiah.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Mishra

For the Respondent/s : Mr. Arvind Ujjwal- SC4

=====

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 01-10-2018

The present writ petition has been filed for quashing
the order dated 21.04.2017 passed by respondent no. 3 by which
the licence of the petitioner has been cancelled.

The short point raised by the learned counsel for the
petitioner for assailing the order dated 21.04.2017 is that the
petitioner has been granted only three days' time to respond to the
notice, which is grossly insufficient. The learned counsel for the
petitioner has relied upon a judgment reported in *2013(1) PLJR*
718 [Smt. Fulpati Devi vs. The State of Bihar & Ors.]

Having regard to the facts and circumstances of the
case, this Court finds that three days' time granted to the petitioner
is insufficient and has precluded the petitioner from filing his
defence resulting in breach of the principles of natural justice.

In such view of the matter, this Court has no option
but to quash the order dated 21.04.2017 passed by respondent no.
3 with liberty to the respondent no. 3 to proceed in the matter
afresh in accordance with law.

The writ petition is allowed.

(Mohit Kumar Shah, J)

BTiwary/Ragini

U			
---	--	--	--

