

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.20175 of 2018**

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Md. Shamsujjama Son of Muslim, Resident of Village- Khaira, Police Station-Shahkund, District-Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Department of Food & Supply, Govt. of Bihar, Patna.
3. The District Magistrate, Bhagalpur.
4. The S.D.O. Sadar, Bhagalpur.
5. The District Supply Officer, Bhagalpur.
6. The District Manager, State Food Nigam, Bhagalpur.
7. The Block Supply Officer, Shahkund, Bhagalpur.

... .. Respondent/s

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**Appearance :**

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| For the Petitioner/s | : | Mr. Md. Najmul Hodda    |
| For the Respondent/s | : | Mr. Arvind Ujjwal, SC-4 |
| For the BSFC         | : | Mr. Harish Kumar        |

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH**  
**ORAL ORDER**

2      30-11-2018                      The present writ petition has been filed for setting aside the order dated 21.08.2018, passed by the learned Sub-Divisional Officer, Sadar Bhagalpur, whereby and where under the P.D.S. license of the shop of the petitioner has been cancelled.

The short submission made by the learned counsel for the petitioner is that only three day's time has been granted to the petitioner for filing reply to the show-cause notice, which is grossly insufficient. Reference in this regard has been made to a judgment reported in *2013(1) PLJR 708 (Smt. Fulpati Devi vs. The State of Bihar & Ors.)*.



Having regard to the facts and circumstances of the case, this Court finds that the three days' time granted to the petitioner to file reply is highly insufficient and amounts to breach of the principles of nature justice. Hence, the order dated 21.08.2018 passed by the learned Sub-Divisional Officer, Sadar Bhagalpur, is quashed, however, with liberty to the Sub-Divisional Officer, Sadar Bhagalpur to proceed in the matter afresh in accordance with law.

The writ petition is allowed.

**(Mohit Kumar Shah, J)**

S.Sb/-

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