

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21027 of 2018

Naresh Narayan Choudhary, son of Akbal Narayan Choudhary, resident of village- Kothia, P.S.- Jhanjharpur, District- Madhubani. The President, Primary Agricultural Credit Society (PACS), Kothia, Block – Jhanjharpur, District- Madhubani.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary-cum- Commissioner, Department of Food and Consumer Protection, Government of Bihar, Patna.
2. The District Magistrate-cum-Collector, Madhubani.
3. The Sub-Divisional Officer-cum-Licensing Authority, Jhanjharpur, District- Madhubani.
4. The Block Supply Officer, Jhanjharpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arjun Kumar, Advocate
For the Respondent/s : Mr. S.Raza Ahmad -AAG-5

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 27-11-2018

The present writ petition has been filed for quashing the order dated 15.06.2017 passed by the S.D.O., Jhanjharpur whereby and where under the license of the petitioner under Public Distribution System has been cancelled.

The learned counsel for the petitioner has raised a short issue for consideration to the effect that only three days' time was granted for filing the show cause reply which by any stretch of imagination is insufficient.

The learned counsel for the petitioner has relied upon a judgment rendered by a Co-ordinate Bench of this Court reported in 2013(1) PLJR 718 wherein this Court has held that three days' time granted to file the reply to the show cause notice was clearly insufficient.

Having heard the learned counsel for the parties and considered the materials on record, this Court is of the opinion that three days' time



granted to the petitioner for filing show cause reply is thoroughly inadequate and amounts to breach of the principle of natural justice inasmuch as adequate opportunity has not been granted to the petitioner to put forward his defence.

For the reasons mentioned hereinabove, the writ petition is allowed and the order dated 15.06.2017 passed by the S.D.O., Jhanjharpur is quashed, however, with liberty to the S.D.O., Jhanjharpur to proceed afresh in accordance with law.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	29-11-2018
Transmission Date	N/A

