

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12557 of 2018

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Chandeshwari Prasad Yadav, Son of Jeetan Prasad Yadav, Resident of
Village Farka, P.S.- Fatehpur, District- Gaya.

... .. Petitioner/s

Versus

1. The State of Bihar through Secretary Food & Consumer Protection
Department, Old Secretariate, Patna.
2. The SDO, Sadar Gaya.
3. The Block Supply Officer, Wazirganj, Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand, Advocate
For the Respondent/s : Mr. Arvind Ujjwal- Sc4

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 27-07-2018 Heard learned counsel for the petitioner and the
learned counsel appearing on behalf of the State.

Petitioner challenges the order dated 04.10.2017
passed by the Respondent-Sub-Divisional Officer, Gaya by
which the PDS licence being Licence No. 40 of 2007 has been
cancelled on the ground that the petitioner did not file any reply
to the show cause issued showing certain irregularities in the
distribution and regulation of the licence.

Learned counsel for the petitioner submits that the
show cause notice was issued vide Memo No. 266 dated
17.06.2017, Anenxure-1 to this application granting three days
time to file show cause, which does not amount to reasonable
opportunity and thereafter, the order of cancellation has been



passed vide Memo No. 640 dated 04.10.2017, Annexure-2 to this application. He submits that the issue is no longer res integra as this Court in the case of Gano Bhuiyan @ Gano Manjhi versus The State of Bihar and Others, passed in CWJC No 9842 of 2018 dated 10.07.2018 relying on the decision of this Court in the case of Smt. Fulpati Devi versus The State of Bihar, since reported in 2013 (1) PLJR 718 has held that three days time to reply to the show cause was clearly insufficient.

In view of the above, impugned order dated 04.10.2017 as contained in Annexure-2 is set aside and the matter is remanded back to Respondent No. 2 to take a fresh decision in the matter in accordance with law after granting reasonable opportunity of hearing to the petitioner. Supplies to the petitioner shall be restored forthwith until fresh order is passed by Respondent No. 2.

Writ application is allowed.

(Nilu Agrawal, J)

Arjun/Pragya

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