

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23241 of 2018

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Ashok Kumar Lohiya, s/o late Chiranjivi Lal Lohiya, r/o vill-Madhurapur,
PS-Bihpur (Bhawanipur), Dist-Bhagalpur

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Government of Bihar, Patna
2. The District Magistrate, Bhagalpur
3. The District Supply Officer, Bhagalpur
4. The Sub-Divisional Officer, Naugachia
5. The Block Supply Officer, Narayanpur, Dist-Bhagalpur
6. The Block Development Officer, Narayanpur, Dist-Bhagalpur

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pranav Kumar Jha
For the Respondent/s : Mr.S. Raza Ahmad- Aag5

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 21-12-2018

1. The present writ petition has been filed for quashing of the order dated 01.12.2016 passed by the S.D.O., Naughachhia whereby and whereunder the P.D.S. licence of the shop of the petitioner has been cancelled.

2. The short point raised by the petitioner is that a notice dated 08.11.2016 would itself bear it out that only three days' time was granted for filing reply to the show cause notice which is grossly inadequate. Reference in this regard has been made to a judgment of a co-ordinate Bench of this Court reported in *(2013) 1 PLJR 718*.



3. I have heard the learned counsel for the parties and gone through the materials on record and I find that grant of three days time for filing show case reply is highly insufficient as has been held by a co-ordinate Bench of this Court. Moreover, the impugned order dated 01.12.2016 also smacks of non-consideration and non-application of mind.

4. For the reasons mentioned herein, the present writ petition is allowed and the order dated 01.12.2016 passed by the S.D.O., Naugachhia (Bhagalpur) is quashed, however with liberty to said authority to proceed further in accordance with law.

5. The writ petition is allowed.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.12.2018
Transmission Date	NA

