

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23080 of 2018

Tarkeshwar Baitha, son of Sri Mahendra Baitha, Resident of Village Jalalpur,
P.S. Muffasil, District Saran.

... .. Petitioner/s

Versus

1. The State Of Bihar through the Secretary, Food & Consumer Protection Department, Government of Bihar, Patna.
2. The Collector, Saran at Chapra.
3. The Sub-Divisional Officer, Sadar, Chapra.
4. The Block Supply Officer, Sadar, Chapra.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Dhananjaya Nath Tiwari
For the Respondent/s	:	Mr.S. Raza Ahmad- Aag5

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 21-12-2018

The present writ petition has been filed for quashing the order dated 05.01.2018 passed by the Sub Divisional Officer, Sadar, Chapra whereby and whereunder the licence of the PDS shop of the petitioner has been cancelled. The petitioner has further prayed for quashing the order of the appellate authority dated 10.09.2018 passed in Supply Appeal Case No. 04 of 2018.

The short issue raised by the petitioner is that merely, three days' notice dated 06.05.2017 has been issued to the petitioner, hence, the time granted to the petitioner for replying to the show cause notice is grossly insufficient, which amounts to violation of the principles of natural justice, thus, the order of cancellation is bad.



I have heard the learned counsel for the parties and I find that admittedly, only three days’ time were granted to the petitioner to file his reply to the show cause notice which, in the opinion of this Court, is absolutely insufficient. This aspect of the matter has already been decided in a catena of decisions by the co-ordinate Benches of this Court, one of such order being the one reported in 2013 (1) PLJR 718 [**Smt. Fulpati Devi vs. The State of Bihar & Ors.**]

For the reasons mentioned herein above, the writ petition is allowed and the order of the Sub-Divisional Officer, Sadar, Chapra dated 05.01.2018 as also the order of the appellate authority dated 10.09.2018 are quashed, however, with liberty to the Sub-Divisional Officer, Sadar, Chapra to proceed further in accordance with law.

(Mohit Kumar Shah, J)

Tiwary/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

