

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22690 of 2018

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Mahesh Prasad Yadav, S/o Late Bindeshwari Prasad Yadav, Resident of
Village-Mohammadpur Sura, P.S.-Gaighat, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food & Consumer Protection, Government of Bihar, Patna.
2. The Collector, Muzaffarpur.
3. The Sub Divisional Officer (East), Muzaffarpur.
4. The Block Supply Officer, Gaighat, Muzaffarpur.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 20-12-2018

1. The present writ petition has been filed for quashing of the order dated 26.10.2018 passed by the S.D.O. (East), Muzaffarpur 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 06.10.2018 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 26.10.2018 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 26.10.2018 passed by the S.D.O. (East), Muzaffarpur is quashed, however with liberty to S.D.O. (East), Muzaffarpur 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
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