

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23796 of 2018

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Sita Ram Rishideo son of Dhodhay Rishideo, resident of Village Kamalpur,
P.S. Gawalpara, District Madhepura.

... .. Petitioner/s

Versus

The State Of Bihar & Ors

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma
For the Respondent/s : Mr. Arvind Ujjwal -Sc4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 19-12-2018

The present writ petition has been filed for quashing the order dated 27.05.2016 passed by the Sub Divisional Officer, Udakisanganj, Madhepura whereby and whereunder the P.D.S licence shop of the petitioner has been cancelled, as also for quashing the appellate order dated 08.06.2018.

The short issue raised by the petitioner is that merely, three days' notice dated 03.05.2016 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 was 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 hereinabove, the writ petition is allowed and the order of the Sub-Divisional Officer, Sitamarhi dated 27.05.2016 as also the order of the appellate authority dated 08.6.2018 are quashed, however, with liberty to the Sub-Divisional Officer, Udakisunganj, Madhepura 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

