

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19527 of 2018

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1. Sanjay Kumar Sah, S/o Shivnarayan Sah, Resident of Village- Hatia Tol, Rupauli Panchayat Rupauli South, P.S. Jankinagar, District- Purnea.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Food & Consumer Protection, Government of Bihar, Patna.
2. The Collector, Purnea.
3. The Sub Divisional Officer, Banmankhi, Purnea.
4. The Block Supply Officer, Banmankhi, Purnea.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh

For the Respondent/s : Mr. Arvind Ujjwal- Sc4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-10-2018

The present writ petition has been filed for quashing the order dated 20.08.2018 passed by the Sub-Divisional Officer, Banmankhi, Purnea whereby and whereunder the P.D.S. Shop Licence of the petitioner has been cancelled.

The short issue raised by the learned counsel for the petitioner is that only 24 hours' notice was given to the petitioner to file reply, which is insufficient, hence on this ground alone the order passed by the Sub-Divisional Officer, Banmankhi, Purnea is fit to be set aside. The learned counsel for the petitioner submits that the present case is squarely covered by a judgment reported in *2013(1) PLJR 718 [Smt. Fulpati Devi vs. The State of Bihar & Ors.]*

Having regard to the facts and circumstances of this case, this Court finds that 24 hours' time granted to the petitioner for filing reply to the show cause is grossly inadequate and amounts to breach of the principles of natural justice, inasmuch as



the petitioner has been precluded from submitting his wholesome defence/ reply, hence, the order passed by the Sub Divisional Officer, Banmankhi, Purnea dated 20.08.2018 is quashed and the Sub-Divisional Officer, Banmankhi, Purnea, is granted liberty to proceed afresh in accordance with law.

The writ petition is allowed.

(Mohit Kumar Shah, J)

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