

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17890 of 2018

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Avdhesh Paswan Son of Firangi Paswan, Resident of Village-Hemara,
Village Panchayat-Hemara, Police Station-Khizarsarai, District-Gaya.

.... Petitioner/s

Versus

1. The State of Bihar Through the Principal Secretary, Department of Food and Consumers Protection, Government of Bihar, Patna.
2. The District Magistrate, Gaya.
3. The Sub-Divisional Officer, Nimchak Bathani, H.O.-Khizarsarai, District-Gaya.
4. The Block Supply Officer, Khizarsarai, Dist.-Gaya.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binay Kumar

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 02.07.2018 passed by the S.D.O., Nimchak Bathani, Gaya whereby and whereunder, the P.D.S. licence of the shop of the petitioner has been cancelled.

The short point raised by the petitioner is that the petitioner was granted only two days' time for filing a reply to the show cause which is grossly insufficient. Reference in this regard has been made to a judgment of this Hon'ble Court, reported in *(2013) 1 PLJR 718*.

I have heard the learned counsel for the parties and perused the materials available on record. This Court is of the view that two days' notice is grossly inadequate for the purposes



of submitting reply, hence the petitioner has been precluded from filing a wholesome reply resulting in violation of principles of natural justice.

For the reasons mentioned hereinabove, the order dated 02.07.2018 passed by the S.D.O., Nimchak Bathani, Gaya is quashed, however with liberty to the said S.D.O. to proceed further in accordance with law.

The writ petition is allowed.

(Mohit Kumar Shah, J)

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