

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16896 of 2018

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Deenanath Prasad @ Dina Nath Prasad @ Dinanath Sah, s/o Sri Ghanshyam Prasad @ Ghanshyam Sah, r/o vill-Balua Panchayat Raj Machhaha, PS-Thakraha, Dist-West Champaran at Bettiah Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food & Consumer Protection, Government of Bihar, Patna
2. The Sub-Divisional officer, Bagha, Dist-West Champaran at Bettiah
3. The Block Development Officer, Thakraha, Dist-West Champaran at Bettiah
4. The Block Supply Officer, Thakraha, Dist-West Champaran at Bettiah

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raghunandan Kumar

For the Respondent/s : Mr. S. Raza Ahmad

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 04-10-2018

I.A. no. 7199 of 2018

The present interlocutory application has been filed for amending the writ petition and now the petitioner seeks to challenge the order dated 10.08.2018 passed by the Collector, West Champaran at Bettiah, whereby and whereunder the appeal of the petitioner has been rejected.

I.A. no. 7199 of 2018 is allowed and the registry is directed to incorporate the prayer made in the present interlocutory application to paragraph no. 1 of the main writ petition.

CWJC no. 16896 of 2018

The present writ petition has been filed for quashing the order dated 25.05.2017 passed by the Sub-Divisional officer, Bagha, West Champaran at Bettiah, whereby and



whereunder the P.D.S. licence of the shop of the petitioner has been cancelled as well as the order dated 10.08.2018, whereby and whereunder the appeal of the petitioner has been rejected.

The short point raised by the petitioner is that the notice dated 03.05.2017 itself would 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*.

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 25.05.2017 also smacks off non-consideration and non-application of mind.

For the reasons mentioned hereinabove, the present writ petition is allowed and the order dated 25.05.2017 as well as the order dated 10.08.2018 are quashed, however with liberty to S.D.O. Bagha, West Champaran at Bettiah to proceed further in accordance with law.

(Mohit Kumar Shah, J)

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