

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1948 of 2019

=====

Julum Paswan son of Somar Paswan, Resident of Village-Bishunpur tola Kashiadih, Village Panchayat-Bishunpur, Police Station-Wazirganj, District-Gaya.

... .. Petitioner

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, Sadar, Gaya
4. The Block Supply Officer, Wazirganj, Dist. Gaya

... .. Respondents

=====

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate
For the Respondent/s : Mr. AC to AAG-5

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 22-04-2019 A supplementary counter affidavit has been filed on behalf of the respondents today. Earlier this writ application was entertained giving opportunity to the State-respondents to show as to whether or not show cause notices were served on the petitioner.

In the counter affidavit Annexure 'A' has been brought on record to show that a show cause notice was issued to the petitioner which was duly received by his daughter-in-law on 19.11.2018. There is no denial of the fact that the show cause notice was served upon the daughter-in-law of the petitioner. It is not the case of the petitioner that the daughter-in-law is not living jointly with the petitioner.



The ground taken for not responding to the show cause notice as contained in Annexure 'A' to the counter affidavit is that it was served at a time when the family members were engaged in treatment of wife of the petitioner at Gaya from 16.11.2018 to 04.12.2018. A death certificate of the wife of the petitioner has been brought on record as Annexure '2' to the rejoinder to show that during the period 16.11.2018 to 30.11.2018 she was under treatment and on 04.12.2018 she died.

Learned counsel submits that in the given circumstance, the petitioner could not present his case before the Sub-Divisional Officer, Sadar, Gaya.

After hearing learned counsel for the parties and on perusal of the records, this Court finds that the show cause notice was issued to the petitioner giving one week time to file a reply but apparently during this period the petitioner was engaged in treatment of his wife who ultimately died on 04.12.2018, thereafter he was engaged in *Shraadh* ceremony of his wife as stated on behalf of the petitioner. The impugned order has been passed immediately thereafter on 11.12.2018.

In the given facts and circumstance, this Court finds that no appropriate opportunity of hearing was given to the petitioner. The impugned order is quashed for the present and



the matter is remitted to the Sub-Divisional Officer, Sadar, Gaya to consider afresh after giving an opportunity of hearing to the petitioner within a reasonable time.

The writ application is allowed to the extent indicated hereinabove.

(Rajeev Ranjan Prasad, J)

avin/-ved-

U			
---	--	--	--

