

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1936 of 2019

=====

Jayram Paswan (Male) aged about 79 years Son of late Ramlal Paswan
Resident of Village- Lakhanpur, Village Panchayat, Lakhanpur, P.S. Mufassil,
Distt. Gaya.

... .. Petitioner

Versus

1. The State of Bihar through the Principal Secretary Department of Food and Consumers Protection, govt. of Bihar, Patna
2. The District Magistrate, Gaya. Bihar
3. The Sub-Divisional Officer, Sadar, Gaya
4. The Block Supply officer, Manpur Distt. Gaya.

... .. Respondents

=====

Appearance :

For the Petitioner/s : Mr.Binay Kumar
For the Respondent/s : Mr.Arvind Ujjwal (SC4)

=====

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 22-02-2019 Heard learned counsel for the petitioner and learned
counsel representing the State.

In the nature of the order supposed to be passed,
learned counsel for the parties submits that no counter affidavit
may be required at this stage. The petitioner is aggrieved by the
order as contained in Memo No. 812 dated 20.06.2018 issued by
the Sub-Divisional Officer, Sadar Gaya (Annexure-2) by which
the the license of the petitioner for PDS Shop has been
cancelled.

Learned counsel for the petitioner has drawn attention
of this court towards the show cause notice dated 22.05.2018 as



contained in Annexure-1 to the writ application. It is submitted that from perusal thereof it would appear that only three days time was granted to the petitioner to submit his reply which cannot be said to be an adequate opportunity of hearing to the petitioner and defend the same.

Learned counsel for the State submits that in the given facts of the case the matter may be remitted to the Sub-Divisional Officer, Sadar Gaya, Gaya for fresh consideration.

In the given facts and circumstances of the case where it is apparent from Annexure-1 that only three days time was granted to the petitioner to submit his reply, this court is of the considered opinion that it is not an adequate opportunity of hearing to the petitioner. The impugned order as contained in Annexure-2 is thus set aside.

Let the Sub-Divisional Officer, Sadar Gaya, District – Gaya take a decision afresh after considering the reply of the petitioner and upon giving him an opportunity of hearing, within a period of 60 days from the date of receipt/production of a copy of this order.

Since the license of the petitioner has been cancelled without giving him an adequate opportunity of hearing, the license shall be restored forthwith and the consequential benefits



shall follow subject to the final decision of the Sub-Divisional
Authority, Gaya.

This Writ Application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rajeev/-

U			
---	--	--	--

