

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1216 of 2020

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Keshav Kumar Yadav son of Late Narsingh Prasad Yadav resident of Village-
Ghasiya, P.S.- Dhoraiya, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
2. The Principal Secretary, Department of Food and Civil Supplies, Government of Bihar, Patna.
3. The District Magistrate, Banka.
4. The District Supply Officer, Banka.
5. The Sub- Divisional Officer, Banka, District- Banka.
6. The Block Supply Officer, Dhoraiya, District- Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra

For the Respondent/s : Mr.Maruth Nath Roy, AC to SC-4

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 20-02-2020 The present writ petition has been filed for quashing the order dated 26.11.2019 passed by the Sub-Divisional Officer, Banka, whereby and whereunder the license of the P.D.S. dealership license of the petitioner bearing License No.53/12 has been cancelled.

The learned counsel for the petitioner has raised short issue to the effect that a bare perusal of the show cause notice dated 14.10.2019, would show that only three days' time has been granted to the petitioner to reply to the show cause notice which by any stretch of imagination is not sufficient and has resulted in denial of reasonable opportunity to the petitioner to put forth his wholesome defence, hence the impugned order dated 26.11.2019



is fit to be set aside on the ground of non-adherence to the principles of natural justice. Reference, in this regard has been made to a judgment reported in **2013(1) PLJR 718 (Smt. Fulpati Devi vs. The State of Bihar & Ors.)**.

The learned counsel for the State has not been able to controvert the fact that only three days' time was granted to the petitioner to submit his reply to the show cause notice dated 14.10.2019.

Having regard to the facts and circumstances of the case, considering the submissions of the learned counsel for the parties as also taking into account the judgment rendered by this Court in the case of **Smt. Fulpati Devi** (supra), this Court finds that since in the present case also reasonable opportunity has not been granted to the petitioner to submit his defence inasmuch as only three days time was granted for filing reply to the show cause notice, the impugned order dated 26.11.2019 cannot be sustained in the eyes of law being contrary to the principles of natural justice, hence is quashed. However, the Sub-Divisional Officer, Banka would be at liberty to proceed afresh in the matter.

The writ petition stands allowed.

(Mohit Kumar Shah, J)

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